



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday 8th September 2009 at 10:00 am
Council Chamber, Sessions House
County Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

Tea/Coffee will be available from 9:30 outside the meeting room

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 18 August 2009 (Pages 1 - 10)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. CA/09/55 - Application to extend the existing Certificate of Lawful Use to include the mechanical sorting and crushing of incoming generally inert waste material to recover a greater percentage of reusable materials Rear of Kemberland, Herne Bay Road, Fox Hill, Sturry, Canterbury. (Pages 11 - 18)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. TW/09/1033 - New Sports Hall and extended Tennis Courts at The Skinners School, St John's Road, Tunbridge Wells (Pages 19 - 46)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 31 August 2009

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 18 August 2009.

PRESENT: Mr R E King (Chairman), Mr R Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr J D Kirby, Mr J F London, Mr R F Manning, Mr R A Pascoe, Mr M Robertson, Mr C P Smith and Mr A Willicombe

IN ATTENDANCE: Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development) and Mr R White (Transport and Development Business Manager) and Mr G Mills, Democratic Services.

UNRESTRICTED ITEMS

53. Membership

(Item A1)

The Committee noted the appointment of Mrs Dagger and Mr Pascoe to the Committee in place of Mrs P Stockell and Mr K Pugh.

54. Minutes - 21 July 2009

(Item A4)

RESOLVED that, subject to the month of July being amended to read June in paragraph 37, the minutes are correctly recorded and that they be signed by the Chairman.

55. Site Meetings and Other Meetings

(Item A5)

- (1) The Committee were advised of the following site visits:
 - (a) Tilmingstone composting proposal, site visit will commence at 17.00 on 16 September 2009. The Public Meeting will then follow at 19.00 in Eastry Village Hall.
 - (b) Sevenoaks Quarry extension, site visit will commence at 14.30 on 8 September 2009.
- (2) Mr King emphasised the importance of as many Members as possible to attend public meetings as it is a good opportunity to listen and learn.
- (3) Discussion took place whether to change the date of the Planning Committee meeting on 6 October to 16 October 2009 as it had become apparent that as the 6th clashed with the Conservative Conference in Manchester the number of Members being able to attend the Committee meeting. It was decided that

both dates would be left open and a decision taken at the Committees meeting on 8 September 2009.

56. Application TM/09/1414 - Variation of Condition 4 of Permission TM/04/2028 to allow time for completion of quarry restoration until 30 November 2010 at Workhouse Quarry, Workhouse Road, Ryarsh; Gallagher Aggregates Ltd
(Item C1)

- (1) The views of Mrs Hohler as the Local Member were reported to the meeting.
- (2) RESOLVED that permission be granted subject to conditions covering amongst other matters; infilling and final restoration to be completed by November 2010, hours of working, vehicle number restrictions, implementation of drainage scheme approved, wheel cleaning, noise and dust controls and requiring that upon completion of restoration that reinstatement of Workhouse Road be completed in accordance with Keith Funnell drawing number RQ/L10B received with accompanying letter dated 15 November 2004 as approved on 23 December 2004.

57. Proposal CA/09/702 - New slip road linking the existing A28 Thanington Road to the existing A2 dual carriageway to provide access onto the A2 London bound from the Wincheap and Thanington Without area, including demolition of former community centre building, relocation of existing BMX track and formalisation of parking spaces for existing community centre building at A28 Thanington Road and A2 Canterbury By-pass, Thanington Without, Canterbury; KCC Major Projects
(Item D1)

- (1) Mr J Bengler and Miss Differ addressed the Committee and raised a number of concerns on behalf of local residents. Mr G Cripps spoke in reply.
- (2) The Committee agreed to include as an additional informative about the installation of a Urban Traffic Management Control (UTMC) system and also requested the applicant to investigate any reasonably possible options for providing alternative off street parking facilities should these be put forward to them prior to the commencement of the development.
- (3) RESOLVED that planning permission be granted, subject to conditions, including amongst others, conditions to cover the following aspects:
 - 5 year time limit for implementation;
 - The development to be carried out in accordance with the permitted details;
 - Overall landscaping scheme to be submitted to and approved prior to the commencement of operations on site, and thereafter be fully implemented as approved within the first planting season following the completion of works;
 - Planting scheme retention and maintenance requirement for a period of not less than 5 years;
 - Tree protection measures be imposed (in accordance with British Standard 5837:2005) on trees to be retained in the locality of the development site;

- The development shall be carried out strictly in accordance with the various ecological mitigation measures detailed within the Environmental Report;
- Traffic monitoring strategy;
- Traffic signal operation protocol;
- Construction management plan;
- Surface water drainage, ground contamination and oil & chemical storage details;
- Programme of archaeological works;
- Construction environmental management plan demonstrating measures to mitigate the risk of contamination of surface waters on the River Stour;
- Details of contractors compound;
- Dust suppression measures and controls to limit mud/debris on the highway;
- Hours of construction be limited to between 0700 and 1900 Monday to Saturday, and no operations shall take place on Sundays and Bank Holidays, except as may be agreed in writing by the County Planning Authority in liaison with the City Council as a result of a clearly demonstrated need to work outside of the 'standard' working hours during construction operations;
- Removal of all plant and equipment and restoration of site following completion of works.

(4) An INFORMATIVE be placed on any decision notice to require the applicant to fully investigate any reasonably possible compensatory parking measure put forward to them prior to the commencement of the development. Also, to require the applicant to investigate the scope for installing a UTMC in Canterbury.

58. Proposal CA/09/680 - Partial demolition of existing school buildings and alterations and extension to form a multi-use sports arena and activity hall, and creation of additional car parking spaces at Herne Bay High School, Bullockstone Road, Herne Bay; Kent Local Education Partnership 1.

(Item D2)

(1) The views of Mr D Hirst and Mrs J Law as the Local County Members were reported to the meeting. Mr Hirst supported the application subject to the provision of parking spaces in the High School grounds and the highway improvements as described in the Officer report. He noted that the pavement to Greenhill East is not continuous from the main school entrance. Mrs Law considered that unless all the highway matters are dealt with under this application then she was not minded to accept this application as footway improvements along both lengths of Bullockstone Road where none exist should be included as a matter of course.

(2) The views of the Lawn Tennis Association were reported to the meeting. The Lawn Tennis Association formally object to the proposals on the basis of the loss of tennis facilities at the High School site.

(3) During the course of discussion on this item Mr King proposed and Mr Hayton seconded that the application be approved subject to the premises being closed on a Saturday at 23:00 hours and not 24:00 hours as proposed in the report.

Carried 8 for with 3 against

(2) RESOLVED that subject to the satisfactory resolution of outstanding highway improvements, that planning permission be granted, subject to conditions, including amongst others, conditions to cover the following aspects:

- Standard time limit ;
- The development to be carried out in accordance with the permitted details;
- Full details of all external materials to be submitted to and approved prior to the commencement of operations;
- Details of mechanical ventilation measures be submitted for approval;
- Site levels and finished floor levels shall be submitted to and approved prior to any works commencing;
- School travel plan be updated prior to first occupation of development to take account of the new sports complex;
- Parking to be made available out of school hours within the site in connection with the sports centre use;
- Adequate measures be taken to ensure that vehicles leaving the site engaged in the construction work do not deposit mud or other debris on the public highway;
- Construction works only take place between the hours of 08:00 to 18:00 Monday to Fridays; 09:00 to 13:00 Saturdays; and no working on Sundays or Bank Holidays;
- Landscaping scheme to be submitted to and approved prior to the commencement of operations on site, and thereafter be fully implemented as approved within the first planting season following the completion of works;
- Programme of archaeological evaluation;
- Surface water drainage scheme be submitted for approval by the County Planning Authority in liaison with Environment Agency and Canterbury City Council;
- Land contamination;
- Fuel, oil and chemical storage measures;
- Submission of a Community Use Scheme and Sports Development Plan to be approved in writing by the County Planning Authority in conjunction with Sport England;
- Details of external lighting to be approved by County Planning Authority;
- Control of mud and debris on highway in connection with construction activities;
- Coach turning facilities made available at all times on site;
- Coaches leaving site do so in a forward gear and park off site in designated coach parking;
- Sports hall to be marked out for intended multi-use;
- Internal layout designed in accordance with Sport England Guidance Notes;
- Implementation of new car park prior to bringing the sports complex into use by the community;

(3) Hours of use of internal facilities of new sports centre be limited to - Mondays to Fridays: 08:00 to 23:00 hours, Saturdays: 08:00 to 23:00 hours, Sundays and Bank Holidays 08:00 to 22:30 hours;

59. Proposal AS/09/460 - Victoria Way Initial Phase. Single carriageway (2-way) with footways between the existing Leacon Road and Victoria Road , Ashford; Kent Highways Services
(Item D3)

(1) Mr Wolna of National Grid Property addressed the Committee on behalf of the Company and said it did not object to the application as such but did object to the lack of provision of a second access point to the company's land in Victoria Way thus affecting its future development potential. Mr Watson of Jacobs spoke in reply.

(2) RESOLVED that planning permission be granted subject to conditions, including conditions covering the following:

- 5-year time limit to commence the scheme, given the extra time that is typically required to complete all the statutory procedures for major development proposals;
- details of the carriageway design and all finished surfaces, including the kerb lines; dropped kerbs; tactile paving, pedestrian crossings and vehicle crossovers;
- details of all structures, signage and other street furniture; including seating; litter bins; bollards; cycle racks; pedestrian signage and bus shelters;
- details of all lighting and CCTV elements;
- details of further noise mitigation measures;
- details of landscaping (including tree and hedge protection during the installation);
- details of surface drainage; including prevention of discharges to the highway; and details of the underground storage system for discharge to the River (at a rate 4 litres per second per hectare) and of flood pathways under the proposed road;
- details of Victoria Square (including dimensions, materials, street furniture, public art and other materials);
- details of the finished road and site levels;
- details of each of the proposed access points to adjacent development sites prior to the construction of such accesses.
- the provision and maintenance of visibility splays;
- the widths and design details of the Public Rights of Way;
- submission of a Waste Management Plan;
- submission of a Management and Maintenance Strategy;
- submission of a Code of Construction Practice;
- provisions for contractor's parking, deliveries, off-loading and turning;
- submission of a full highway and public realm Safety Audit;
- implementation of a programme of archaeological work;
- recommendations of the habitat survey to be carried forward, and a long term habitat mitigation strategy to be submitted,
- measures to prevent groundwater contamination;
- precautions to prevent the deposit of mud on the public highway;
- a sustainability statement for construction materials;
- the implementation of all details to be submitted.

(3) It was further agreed that the applicants be advised of the need to investigate the following aspects:

- the scope for using renewable energy sources for the proposed lighting, such as solar power;
- the scope for minimising the extent of any street works by the Utility companies and ensuring the quality of any associated restoration work;
- the use of porous paving surfaces and Sustainable Urban Drainage Systems generally on this scheme;
- the habitat survey recommendations to be carried forward, such as the impact of lighting on bats.

60. Proposal AS/09/102 - Twelve 1-bed supported apartments at Ashford Disabilities Opportunity Service, St Stephen's Walk, Ashford; Kent Adult Social Services.

(Item D4)

RESOLVED that permission be granted, subject to conditions, including the following:

- standard time conditions for an outline permission;
- the submission of reserved matters relating to scale, design and landscaping;
- the development to be carried out in accordance with the permitted layout and access arrangements;
- no development to occur on site unless suitable alternate community services are provided, as set out in the statement received from Kent Adult Social Services;
- the height of the building not to exceed 10 metres;
- measures to be taken if contamination not previously identified on site is found;
- tree protection measures;
- details of all hard landscaping including fencing proposed on site;
- details of foul and surface water drainage;
- hours of operation during construction;
- dust suppression measures;
- measures to ensure no mud is deposited on the public highway;
- no external lighting to be installed without prior approval;
- the provision of vehicle parking spaces prior to first occupation;
- the provision of cycle parking; and
- the use of the building be restricted solely for the use applied for.

61. Proposal GR/09/440 - A2 Activity Park Scheme consisting of an outdoor activity park including car parking, pavilion and associated buildings, cycle tracks, footpaths, boundary treatments and landscaping on the A2 Corridor and adjacent agricultural land at land between the new A2 Watling Street from the Pepper Hill Junction to the Marling Cross Junction, Gravesend; Kent Highways Services.

(Item D5)

(1) Mrs K Van Beveren addressed the Committee and raised a number of objections to the application on behalf of some local residents.

(2) The views of Mr M Snelling as a Local County Member and Leader of Gravesham Borough Council were reported to the meeting, together with further views from Gravesham Borough Council arguing that the proposed development did not constitute appropriate development in the Green Belt issues and therefore needed to be justified by very special circumstances. Mr Snelling supported the application provided there were appropriate safeguards put in place regarding nearby resident amenities. Mr L Christie and Mr H Craske also attended the meeting as Local County Members. Both expressed their general support for the application but also brought to the attention of the Committee some concerns which had been made known to them by local residents and which they asked the Committee to note in its consideration of this application. Mr L Tricker spoke in reply and Mr Crossley provided further advice on a number of planning points which had been raised.

(3) During the course of debate, the view of Members was that the application should be approved subject to some changes to the list of conditions as follows:-

- deletion of the 'subject to' relating to the Highway Agency in favour of an extra condition requiring the submission of a Travel Plan and Parking Management Strategy;
- adjustment of the first condition relating to external lighting to refer to details of the pavilion and car park security lighting only;
- addition of a condition prohibiting any external lighting within the Activity Park other than security and car park lighting; and
- addition of a condition prohibiting the use of the proposed pavilion and ancillary buildings for privately hired functions.

(4) RESOLVED that permission be granted subject to conditions, covering:

- a 5 year time limit for implementation;
- the submission of a Travel Plan and Parking Management Strategy
- the development to be carried out in accordance with the permitted details;
- no 'major weekend events' to be held on site until such time as an application for such events is submitted to and permitted by the County Planning Authority;
- the submission of details of all materials to be used externally for the pavilion and ancillary buildings, and design details of the ancillary buildings;
- the submission of details of all external security lighting of the pavilion and car park;
- no lighting of the existing parks cycle/footpath or bridle way without approval;
- all external lighting within the Activity Park is prohibited other than security lights and car park lighting;
- all lighting on site, except security lighting, to be extinguished by 10pm, or 15 minutes after last use of the facility if earlier;
- details of CCTV;
- a scheme of hard and soft landscaping, its implementation and maintenance, and details of earth works and land contours;
- measures to protect trees to be retained;
- details of fencing, gates and means of enclosure, including colour finishes;

- contaminated land assessment;
- control of surface water drainage;
- limit on noise levels from public address/tannoy systems;
- details of foundation design/below ground excavations;
- implementation of a programme of archaeological work;
- development to accord with the recommendations made in the submitted Ecological Scoping Survey;
- protection of nesting birds;
- identified ecological enhancements to be incorporated into the scheme;
- the provision of car parking and access prior to occupation;
- the provision of overflow parking, should in be required;
- restrictions on hours of use of the Core Activity Park, and the pavilion and car park;
- hours of working during construction;
- construction code of practice to include measures to prevent dust etc during construction, prevention of the deposition of mud on the local highway network and details of construction methodology;
- the use of the proposed pavilion and ancillary building for privately hired functions to be prohibited;

62. Proposal SW/09/513 - New detached single storey timber clad dining hall with ramped access, playground extension and pond at lower Halstow Primary School, School Lane, Lower Halstow; Governors of Lower Halstow Primary School
(Item D6)

RESOLVED that permission be granted subject to the imposition of conditions, including:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the development to be constructed using the materials set out in the drawings received.

63. County matter applications
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and

- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Application to extend the existing Certificate of Lawful Use to include the mechanical sorting and crushing of incoming generally inert waste material to recover a greater percentage of re-usable materials. Land to the rear of Kemberland , Fox Hill, Sturry, Canterbury, Kent.

A report by Head of Planning Applications Group to Planning Applications Committee on 8 September 2009.

Application Reference: CA/09/55 by Mr Martin J. Thomas seeking to extend the existing Certificate of Lawful Use to include the mechanical sorting and crushing of incoming generally inert waste material to recover a greater percentage of re-usable materials. Land to the rear of Kemberland, Fox Hill, Sturry, Canterbury, Kent.

Recommendation: Permission be Refused.

Local Member: Mr Alan Marsh

Classification: Unrestricted

Site

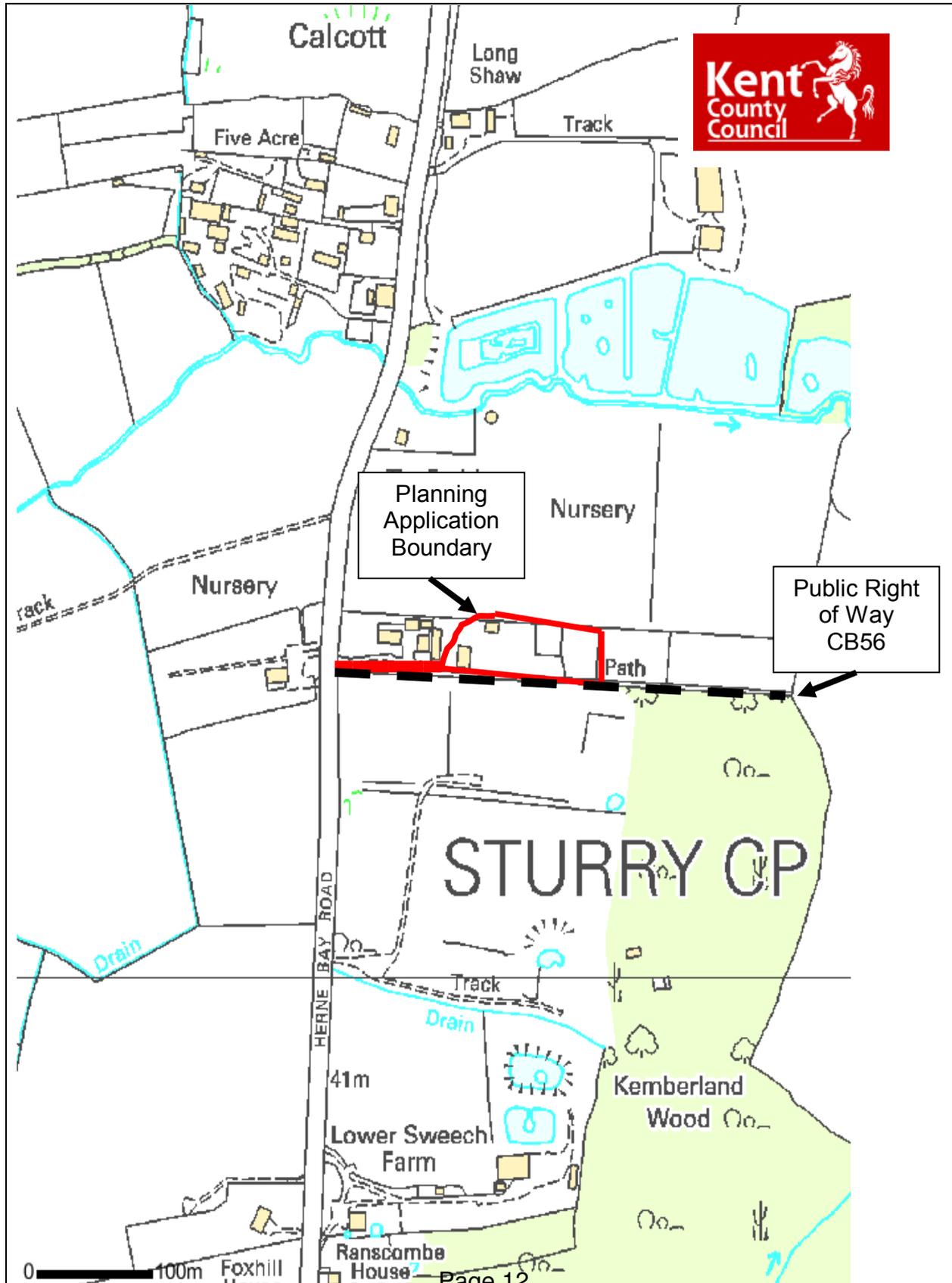
1. The site is located in open countryside adjacent to the eastern side of the A291 Herne Bay Road, north of Sturry. It consists of an existing yard used for the sorting of waste materials imported by skip and contains various stockpiles of materials including hardcore, bricks and timber. Access is via an entrance off the A291 which also serves as an access to two bungalows which are located between the highway and yard. The site is bounded to the east and south by woodland and along the southern boundary there also runs a Public Right of Way CB56.

Planning History

2. In August 2004 Canterbury City Council issued a Certificate of Lawful Use or Development (CLUED) for the site as a concrete and skip business on the basis that such activities had been taking place continuously without interruption more than 10 years before the date of the application for the CLUED. In February 2006 a further application for a CLUED was made to Kent County Council in order to include additional activities not covered in the first CLUED issued by the City Council and which the applicant claimed had also been taking place at the site uninterrupted for more than 10 years. These activities included the screening and sorting of waste imported to the site by skip and the dispatchment of the sorted materials to other businesses and to landfill.

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As part of these operations it was claimed that a screener and crusher were brought on site and used as and when required. As part of its consideration of the application, whilst the County Council were satisfied on the basis of the evidence submitted that the sorting and separation of waste had taken place at the site, with regard to the crushing and screening activities it was considered there was insufficient evidence to satisfactorily demonstrate that these had also been undertaken continuously for 10 years. Accordingly when the CLUED was formally issued it specifically excluded amongst other matters any screening or crushing at the site where it was felt these would need separate planning permission in their own right.

Proposal

3. An application has been submitted which in effect seeks to extend the range of plant and equipment currently authorised under the existing Certificate of Lawful Use granted by the County Council to include the mechanical sorting and crushing of incoming generally inert waste which the applicant claims would enable a greater percentage of materials to be re-used. With the exception of the permanent installation of a screener and crusher on site it is not intended that there would be any other changes to the current operational practices. Waste throughputs would remain at a maximum of 25,000 tonnes per annum generating on average some 72 vehicle movements to and from the site each day rising to a maximum of 76 movements per day. Hours of operation would remain at 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 Saturdays with no operations on Sundays or Bank Holidays. In order to mitigate any adverse impacts on the local amenity it is proposed that the machinery would be fitted with full dust and noise suppression systems. In addition the applicant would be willing if permission is granted to accept a condition restricting maximum noise limits generated from the machinery to not more than 53dB (LAeq) (1 hour) freefield when measured at the southern boundary of the site. Whilst claiming that the Public Footpath which runs along the southern site boundary is rarely used and most likely only used at the weekend, the applicant would also be willing not to operate machinery on Saturday in order to reduce any impacts on the amenity of walkers using this route.

Planning Policy Context

4. **National Planning Policies** – The most relevant National Planning Policies against which this application needs to be considered are set out in MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England) which Mineral and Waste Planning Authorities are required to follow in preparing Minerals and Waste Development Schemes and also in considering individual applications for minerals and waste development. In particular it provides advice and guidance on factors to be taken into account relating to dust (Annex 1) and noise (Annex 2). Planning Policy Statement 10 (Planning for Sustainable Waste Management) advises on the need for waste planning authorities to consider the likely impact on the local environment and amenity including impacts from dust and noise (Annex E). Planning Policy Statement 23 (Planning and Pollution Control)

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requires waste planning authorities to be satisfied there would be no adverse impacts on the local environment before granting permission including impacts on local air quality.

5. **South East Plan (May 2009)** – includes policies which set targets for the diversion of waste from landfill (Policy W5) and recycling and composting (Policy W6). Outside nationally designated landscapes planning authorities are encouraged to protect and enhance the diversity and distinctiveness of the region's landscape (Policy C4). Policy C6 requires local authorities to encourage access to the countryside by including amongst other matters maintaining, enhancing and promoting the Public Rights of Way system.
6. **Kent Waste Local Plan (March 1998)** – Policy W18 requires before granting any permission for a waste management operation the Planning Authority to be satisfied that noise, dust and other emissions can be satisfactorily controlled particularly in respect of its impact on neighbouring land-uses and amenity.

7. **Consultations**

Canterbury City Council: No objections to the proposal.

Sturry Parish Council: No comments received.

County Transport Operations Manager: - No objection.

Jacobs (Noise and Dust): - Considers dust is unlikely to cause a nuisance to nearby residential properties provided that the dust suppression systems as detailed in the application are utilised and guidance provided by MPS2: Annex 1 is followed. With regard to noise, is of the opinion that the proposed use of mechanical sorting and crushing machinery could potentially result in detriment to the nearby residential property. Requires therefore an assessment to be undertaken by the applicant to demonstrate predicted noise levels emanating from the site comply with those contained in MPS2. The assessment should include all proposed hours that the plant would operate.

Jacobs (Landscape): Welcomes the intention to undertake tree planting along the Public Right of Way to help screen the site but questions whether the proposed species consisting of a series of conifers to stop up gaps in the existing hedgerow is appropriate and considers native species should be included to support the character of the native woodland.

Environment Agency: Raise no objection subject to the storage and sorting of waste being sited on a hardstanding, storage of any fuels, oils or other potentially contaminating materials to be stored such that there would be no discharges to ground and storage of waste on site being sealed and secured at night and when the site is not in operation.

Natural England: Has no comments to make on the proposal but would expect the County Council to consider the possible impacts if it falls within An Area of Outstanding Natural

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Beauty, is on or adjacent to a site of Nature Conservation Importance and whether the proposal represents an opportunity for biodiversity enhancements.

Kent Wildlife Trust: no comments received.

Local Member

8. The Local Member, Mr Alan Marsh, was notified of the application on 12 January 2009. No comments have been received to date.

Representations

9. The application was advertised in the local press, site notices posted on site and one property was notified which falls within 250 metres of the site. As a result some 3 letters of objection have been received from local residents. Their objections raise concerns over fires which are lit on site and the adverse impacts from noise and dust on the locality, including Longshaw Farm Coarse Fishery which lies close to the site.

Discussion

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. In the context of this application the national policy guidance along with the development plan policies outlined under paragraphs 4 to 6 are of particular relevance.
11. In my opinion having regard to the above policy guidance together with comments made by consultees along with representations received, the main determining issues relate to the potential impacts from the development in respect of noise, dust and the local landscape.

Local Landscape

12. Given the general landscape surrounding the site which largely consists of native woodland, I am satisfied that the additional plant and machinery proposed to be brought onto the site would not result in any significant adverse visual impacts from long distant views of the site. Furthermore, whilst nearby views into the site currently exist from the Public Right of Way which runs adjacent to the southern site boundary, given the comments made by the County Council's landscape advisor, I am satisfied that should members be minded to grant permission, a condition could be imposed requiring further details of planting where gaps currently appear in the existing tree screen such that any visual impact from the development would be reduced to an acceptable level.

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Dust

13. Whilst concerns have been raised over nuisance from dust, the County Council's dust advisor has confirmed that provided the dust suppression measures proposed, which include the provision of two Renby Fogging Units on site are utilised in accordance with the guidance set out in MPS2 (Annex 1), dust is unlikely to cause detriment to the nearest residential properties. I would concur with this view, particularly given the additional mitigation that would also be served from the existing trees surrounding the site.

Noise

14. In addition to concerns raised over impacts from dust, given the nature of the machinery proposed to be employed at the site, objections have also been raised over adverse impacts from noise in the locality. Notwithstanding, that the applicant would be prepared to accept a condition as set out under paragraph 3 above restricting maximum noise levels when measured at the southern boundary of the site, the County Council's noise advisor has advised that a noise assessment be undertaken in order to be able to predict noise levels emanating from the site are able to comply with MPS2. In my opinion, given its location in open countryside where background noise levels would normally be expected to be relatively low, as a minimum such an assessment should include a background noise survey in order to determine baseline levels against which the predicted increase in levels when the machinery is in operation can be assessed. This in turn would then help identify the need for any mitigation measures that may be required to reduce noise to an acceptable level, including for example the installation of acoustic screens. The potential impact from noise is not only a material consideration in relation to the possible affects on residential properties but is also significant in terms of how this may affect the amenity of the users of the Public Right of Way which runs along the southern boundary of the site and where policy C6 of the South East Plan seeks to maintain and enhance such routes.
15. Whilst the applicant initially appeared to recognise the need for further information on the potential impact from noise, and who I was led to understand commissioned a noise consultant in order to provide an assessment of predicted noise levels as recommended by the County Council's noise advisor, to date this information remains outstanding despite a number of reminders made to the applicant.
16. Having regard to government advice and the relevant development plan policies relating to noise, in the absence of the further information on noise requested from the applicant, I would advise members that the County Council are unable to assess this element of the proposal sufficient to conclude whether there would be any adverse impacts. In my opinion under such circumstances the applicant has failed to demonstrate that the proposal would not be contrary to policy C6 of the South East Plan and Policy W18 of the Kent Waste Local Plan.
17. Finally, with regard to complaints about fires at the site, given that there is no express planning permission or conditions preventing fires from being lit, this is more a matter for

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either the Local Environmental Health Department who may be able to take action against where a statutory nuisance is being caused or the Environment Agency who regulate operations under a separate permit.

Conclusion

18. Whilst there is general policy support in principle towards recycling as one of a number of means of achieving the diversion rates away from landfill as set out in the South East Plan, each application has to be determined on its merits, against which relevant government guidance and development plan policies together with any other material considerations can be taken into account. I am satisfied that issues relating to dust and visual impacts can be satisfactorily addressed by condition should members be minded to grant permission. However, given the issues that have been raised in relation to potential noise impacts from the proposal it is particularly important that sufficient information is provided by the applicant to enable the County Council to properly assess this element of the proposal, in the absence of which it is not possible to conclude whether there would be any adverse impacts. Despite a number of request for further information from the applicant in respect of a noise assessment none has been provided.
19. I would therefore recommend that the application be refused on the grounds that the applicant has failed to demonstrate that the proposal would not be contrary to Policy C6 of the South East Plan which seeks to enhance, maintain and promote the Public Rights of Way System and Policy W18 of the Kent Waste Local Plan which requires before granting any permission that noise can be satisfactorily controlled.

Recommendation

20. I RECOMMEND that PERMISSION BE REFUSED to extend the existing Certificate of Lawful Use to include mechanical sorting and crushing of incoming generally inert waste materials to recover a greater percentage re-usable material on the grounds that:-
- (1) In the absence of sufficient information to enable a proper assessment of the impacts from noise having regard to the close proximity of the site to Public Right of Way CB56 which runs along the southern boundary of the site, the development is contrary to Policy C6 of the South East Local Plan which seeks to maintain, enhance and promote the Public Rights of Way System.
 - (2) In the absence of sufficient information to enable a proper assessment of the impacts from noise on neighbouring land uses and amenity the development is contrary to Policy W18 of the Kent Waste Local Plan.

Case Officer: Mike Clifton

01622 221054

Item C1

Application to extend the existing Certificate of Lawful Use to include the mechanical sorting and crushing of incoming generally inert waste material to recover a greater percentage of re-usable materials. Land to the rear of Kemberland , Fox Hill, Sturry, Canterbury, Kent.

Background Documents: See Section Heading

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

A report by Head of Planning Applications Group to Planning Applications Committee on 8 September 2009.

Application submitted by The Governors of the Skinners School for a new sports hall and extended tennis courts at The Skinners School, St Johns Road, Tunbridge Wells (Ref: TW/09/1033)

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr R Bullock

Classification: Unrestricted

Site

1. The Skinners School is located to the north of Tunbridge Wells town centre, to the west of St. Johns Road. The main school buildings are located to the west hand side of the site, parallel to the frontage with St. Johns Road. Beyond that, surfaced and fenced games courts and open recreational grassland extends to the east. Apart from the frontage of the school, which faces a dairy, the Skinners School site is surrounded by residential roads with traditional red brick two storey properties either facing or directly backing onto the site. The proposed location for the two storey sports hall is to the south eastern side of the school site, on an area of grass bank which raises in level from the existing edge of the sports courts to the site's boundary with properties in Richardson Road. Part of the tennis courts would also accommodate the sports hall and, therefore, it is proposed to extend the courts to the north and east, towards Somerset Road. A site plan is attached.

Background

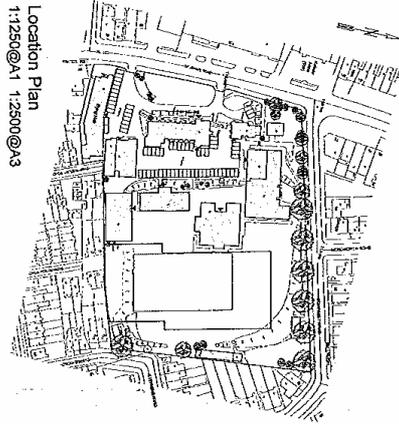
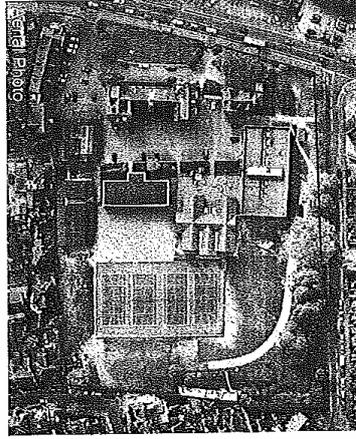
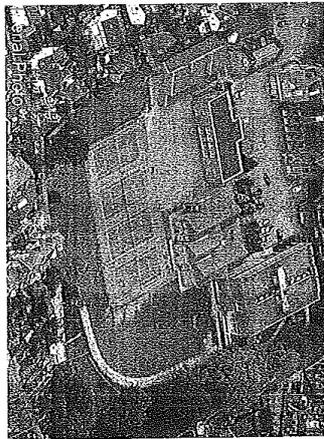
2. A planning application for a Sports Hall on the Skinners School site, submitted in 2006, was withdrawn following a Members Site Visit on the 6 November 2007. That application, which was submitted by a different Architectural practice, proposed to locate the sports hall on the eastern boundary of the school site, between the existing tennis courts and the rifle range. That application met with objection on a number of grounds including overshadowing, loss of light, design and massing, and highway concerns related to community use. Following the Members' Site Visit, the applicant was requested to consider an alternative site for the Sports Hall, hence the subsequent submission of this latest planning application.
3. Following the submission of this current application in March this year, the applicant has amended the proposed development due to objections from neighbouring properties and Tunbridge Wells Borough Council, and concerns raised by the County Council's Noise Consultant. The current application as first submitted met with objection on the grounds of design and massing, proximity to neighbouring properties, loss of light, privacy and overlooking, noise pollution, proposed extended hours of use and traffic and parking implications. The application as first submitted is essentially the same as the scheme that will be discussed throughout this report. However, the applicant has

Item D1

New sports hall and extended tennis courts at The Skimmers School, Tunbridge Wells – TW/09/1033

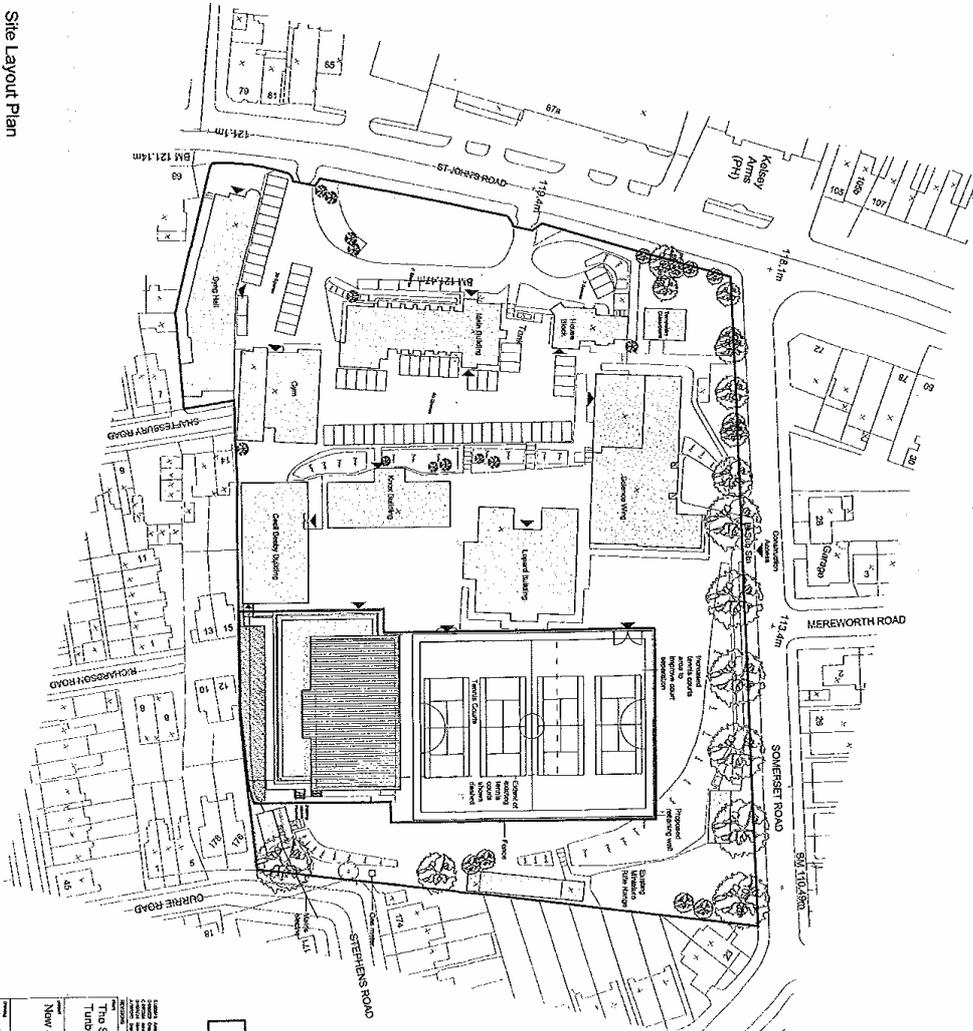


New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033



Location Plan
1:1250@A1 1:2500@A3

Site Layout Plan
1:500@A1 1:1000@A3
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CDM 2007 Health & Safety Information

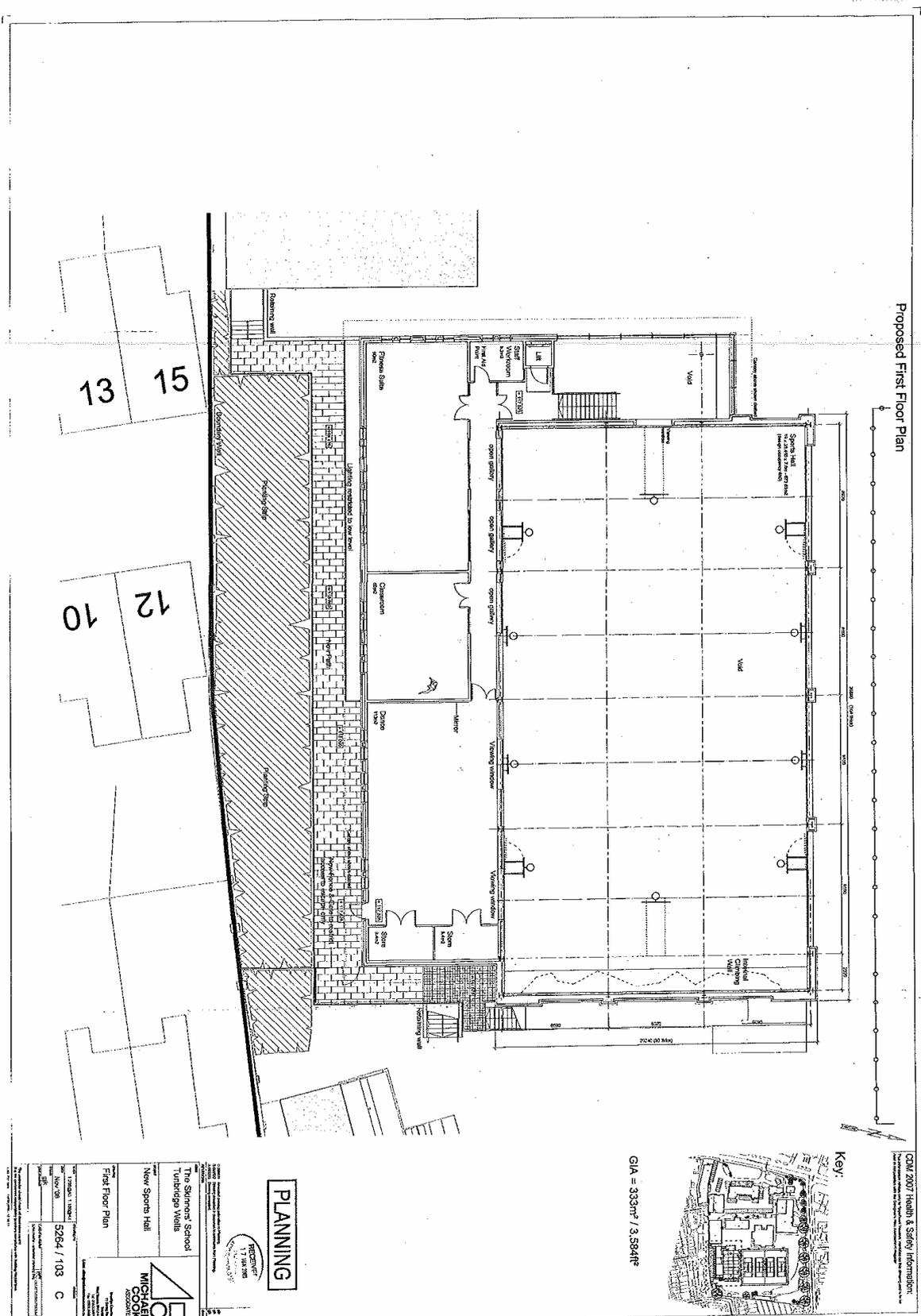
PLANNING



<p>THE SKINNERS' SCHOOL Tunbridge Wells New Sports Hall</p>	
<p>Site Location and Layout Plans</p>	
<p>Project No: 5264 / 101 E</p>	<p>Client: The Skinners' School</p>
<p>MICHAEL COOK ARCHITECTS</p>	

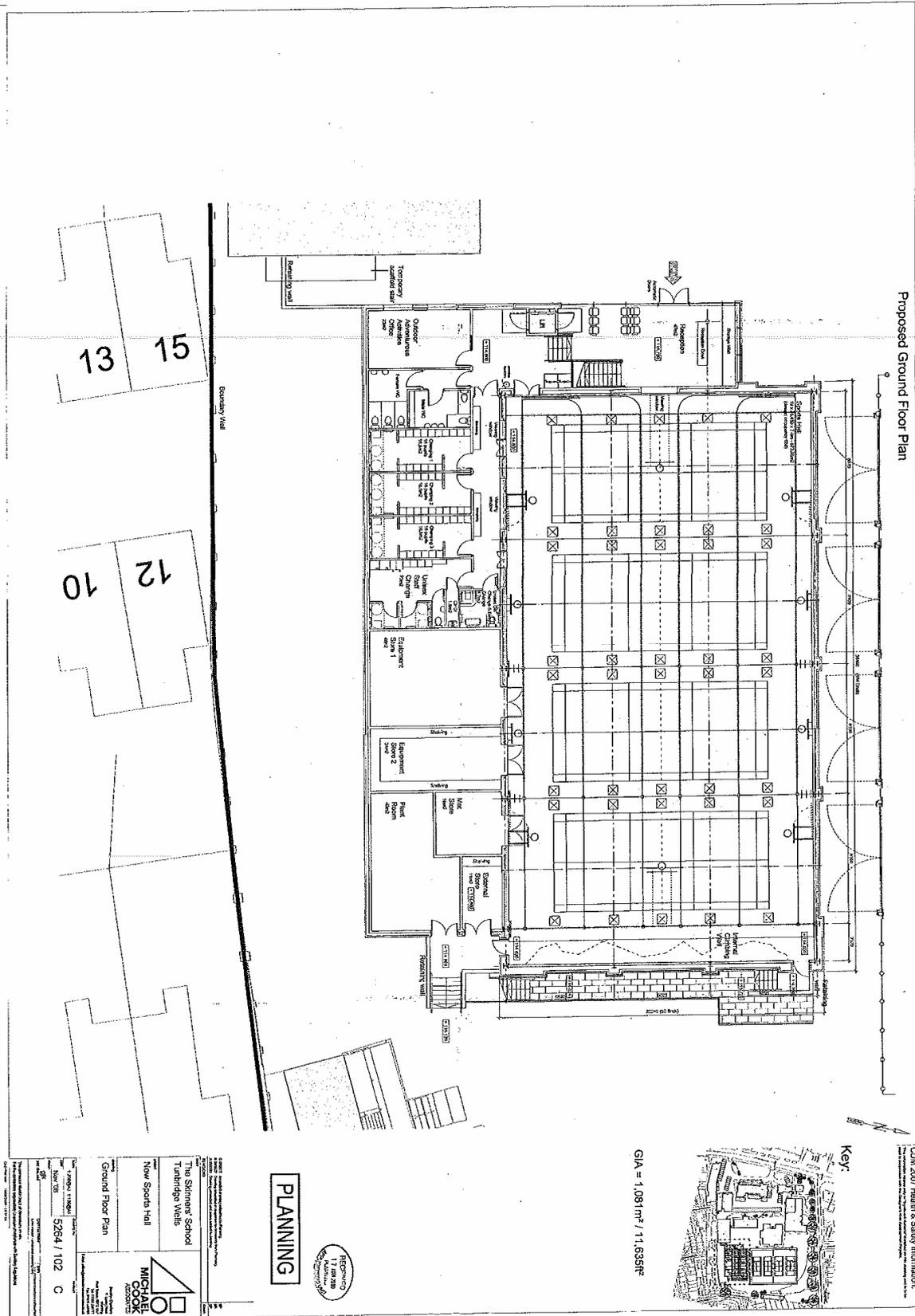
Item D1

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033



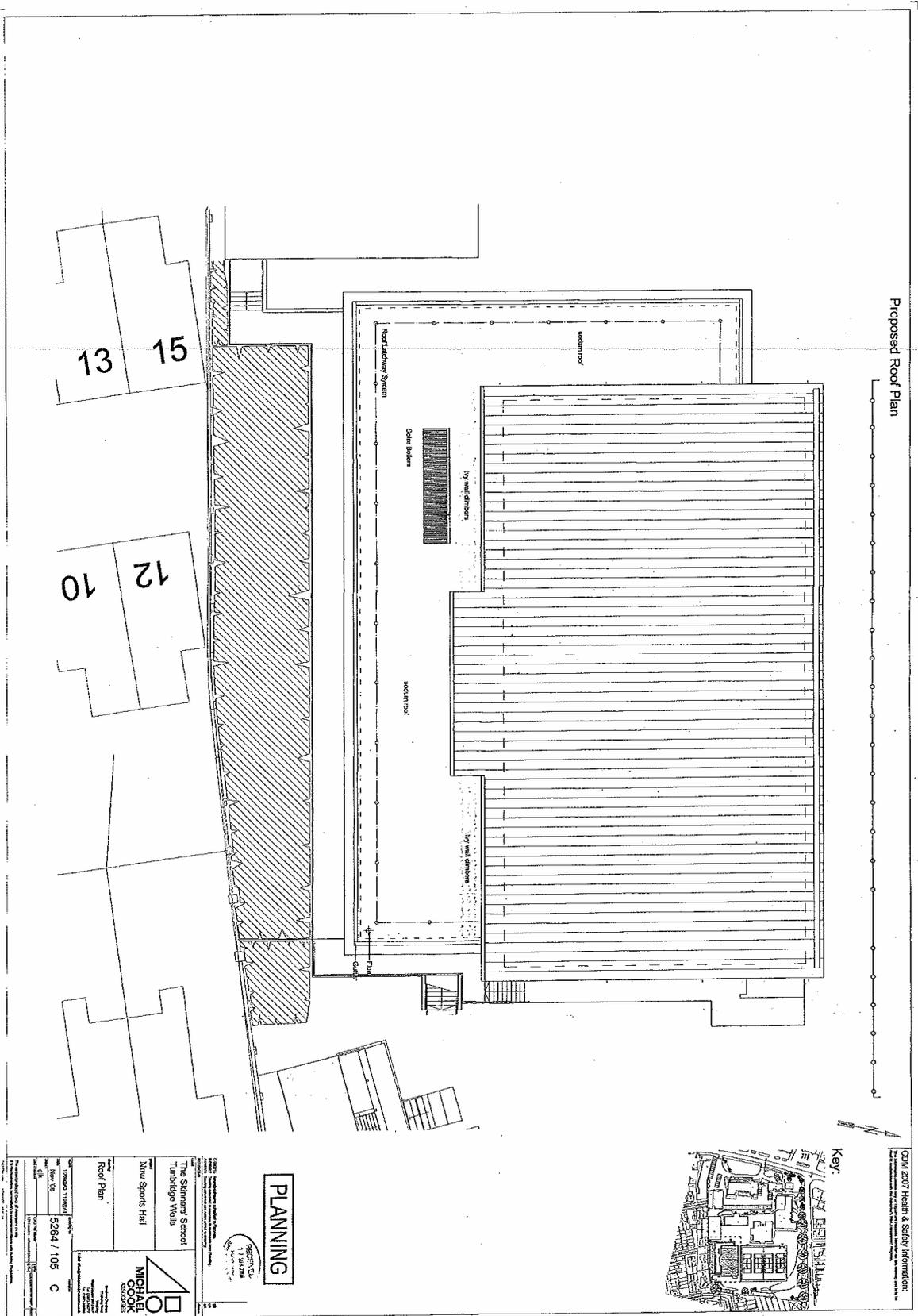
Item D1

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033



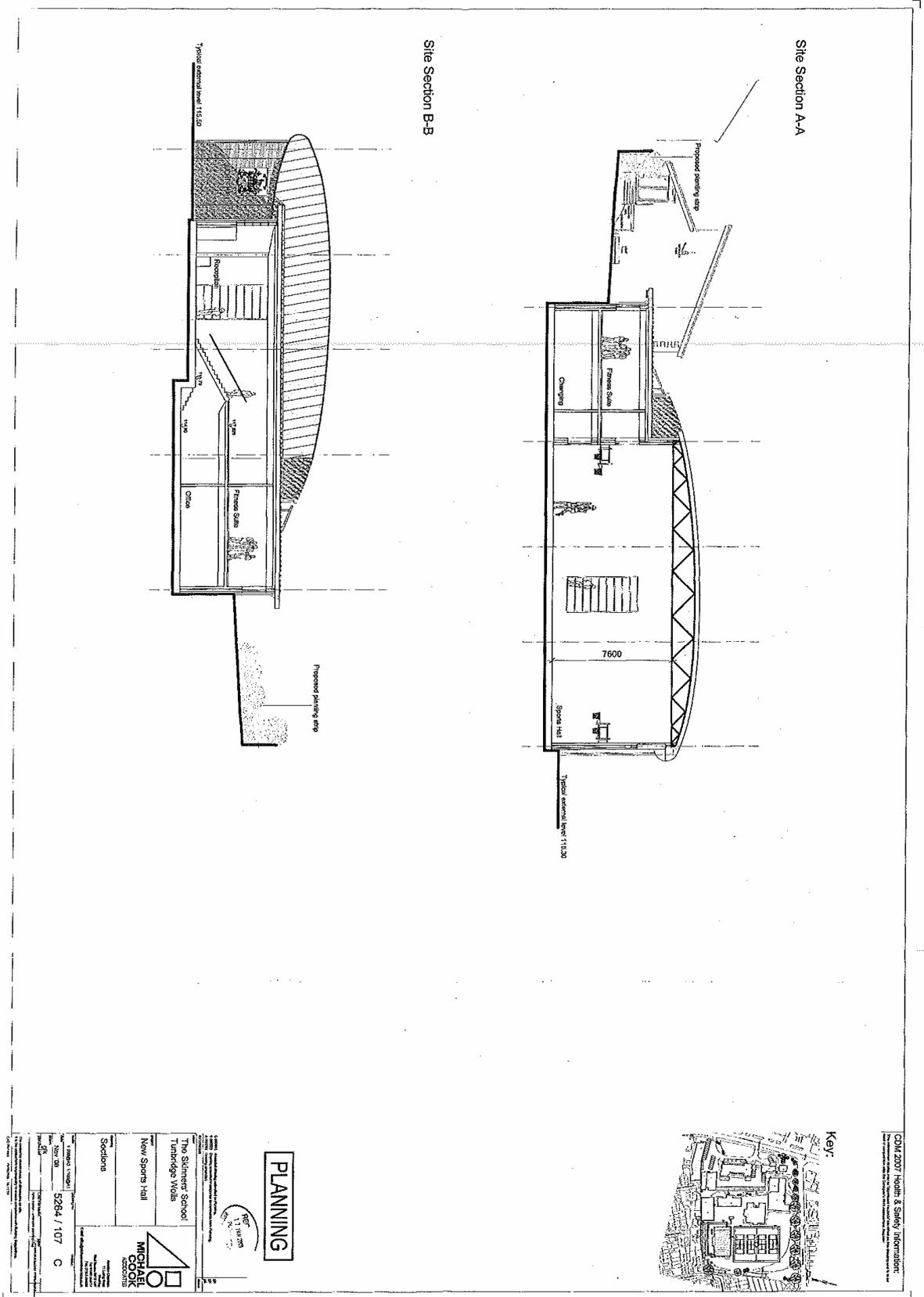
Item D1

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033



Item D1

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033



New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

made a number of 'minor' amendments to the proposed development in an effort to overcome the concerns and points of objection raised.

4. The amended proposal attempts to address the design and massing concerns by introducing brick piers to the eastern elevation, amending the curve of the roof to make it appear more slender, resulting in a reduction in height of 1m, and the introduction of climbing plants to the eastern and high level southern elevations. In addition, a sedum roof is now proposed to finish the flat roof element of the sports hall in an effort to improve the outlook from neighbouring properties. However, the most significant amendment is that the building has been moved 5 metres further north, away from the southern boundary, increasing the distance between the proposed building and the boundary from 4.2m to 9.2m at the western end of the building and from 2.5m to 7.5m at the eastern end. In addition, the increased distance between the sports hall and the boundary has enabled the applicant to introduce a landscaping/tree planting strip to the south, including defensible planting to aid security. It is the revised submission that will be outlined and discussed throughout this report. As part of the determination of the current application, a group of Planning Application Committee Members visited the site on the 22 July 2009, at which time the revised submission (as outlined above) was discussed (notes attached as Appendix 1).

Proposal

5. This application proposes the erection of a new sports hall and extended tennis courts at The Skinners School, Tunbridge Wells. The sports hall would be sited along the southern boundary of the school site, on part of the existing tennis courts and extending towards the site's boundary with properties in Richardson Road. The sports hall would be sited between the existing school pavilion and the Cecil Beeby teaching block, and the tennis courts extended to the north and east to compensate for the court lost to accommodate the sports hall, and to allow larger run off areas.
6. The applicant advises that the existing school gym does not meet the guidance provided by Sport England for the provision of sports facilities in secondary schools, and is in a poor state of repair. Ofsted considers that the accommodation available for physical education is unsatisfactory, that the gymnasium is small and that restricted indoor facilities place restraints on activities during inclement weather. The applicant further advises that due to the location of the existing gym within the school site, it is not practical to extend, or demolish and rebuild, on this existing site. Therefore, it is the School's intention to convert the existing gym into a library following the completion of a replacement sports hall, although that is not included within this planning application. The applicant advises that alternative sites for the sports hall have been considered, including providing the hall at the School's remote playing fields in Southfields, approximately a mile away from the school site. In addition, alternative sites within the main school campus have been considered, although these have been discounted for various reasons including operational difficulties, proximity to existing school buildings, tree removal and the blocking of access for emergency services.
7. The proposed sports hall would accommodate a four court sports hall, fitness suite, classroom, dance studio, changing facilities, equipment stores, a reception area and office space. The building would measure approximately 40 metres in length and 28 metres in width. The accommodation would be spread over two floors, although the upper floor accommodation would not be as high as the main sports hall element of the building, and would be located under a flat sedum planted roof extending towards the southern boundary of the site. In addition, the building would be lowered into the ground

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

by 900mm and, due to the existing banking towards the southern boundary, the lower floor would effectively be under ground. The ancillary accommodation to the south of the building would appear single storey when viewed from properties in Richardson Road, extending a maximum of 3.5 metres from ground level. The floor to ceiling heights have also been kept to a minimum to reduce the height and massing of the building. The tallest element of the sports hall has been located to the north in order to minimise its impact upon neighbouring properties. The curved zinc roof would be 8.5m high at the tallest point, and climbing plants would be planted along the 'step up' in height from the flat sedum roof to the eaves of the curved roof in an effort to mitigate its impact. The lower height flat roof element of the scheme would be approximately 9.2m from the boundary at the western end of the building, and 7.5m at the eastern end, whereas the 'step up' to the eaves of the curved sports hall roof would be approximately 17m from the boundary at the western end and 15m at the eastern end. The side elevation of properties in Richardson Road are essentially on that boundary line, and a property in Currie Road is within 3 metres of the boundary wall.

8. Due to the proximity of the sports hall to the boundary and neighbouring properties, the applicant has undertaken a detailed 'Overshadowing Analysis' to ensure that the development would not have a detrimental impact upon neighbouring properties with regards to loss of light and any overshadowing. The analysis was done using a 3D modelling programme, and produced a series of images showing the shadow that the proposed building would create at varying times of the day, over varying times of the year. The 3D modelling showed that all shadows created by the sports hall would fall within the school site, and that properties to the south and east of the site would not experience any overshadowing as a result of the proposed development.
9. The elevations of the sports hall would be predominately formed from a combination of brickwork, zinc cladding, curtain walling and Kalwall glazing. The School's existing building stock is predominately finished in a red facing brick, as are local residential dwellings. In light of this, a red stock brick is also proposed for the Sports Hall. In order to minimise the pitch of the main roof a metal roofing material is proposed, and the flat roof elements of the scheme would be covered with sedum. The applicant has given consideration to the use of slate or more traditional finishes, but these would result in an overall increase in building height. Existing school buildings use lead work on key details, including turrets to the original school building. The proposed zinc material would allow hand tooling and detailing to be incorporated in to the sports hall design, whilst being similar in appearance to lead. Curtain walling and aluminium windows are considered to be robust materials which would ensure that the sports hall had a long life, whilst maximising daylight within the facility. Natural light to the sports hall itself would be provided via Kalwall glazing to the north elevation. This product provides diffuse natural light, and its location on the north elevation would ensure that no direct sunlight enters the sports hall itself. The applicant advises that this, together with careful orientation, would ensure minimum solar gain to internal spaces. It is anticipated that this development would achieve a BREEAM rating of 'Very Good', and would incorporate sustainable features such as a sedum planted roof, a solar boiler and a high thermal mass design.
10. An extension to the tennis courts is proposed to ensure that no external courts are lost as a result of the development, and to increase the separation between the courts to meet Lawn Tennis Association standards. The courts would be extended to the north and east, and would be finished in a synthetic material. A 3m high weld mesh fence would secure the court area, with access gates for vehicles and pedestrians. The applicant states that the colour of the fencing is yet to be agreed.

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

11. The proposed development would not increase staff or pupil numbers, although community use of the facility is proposed (see paragraph 12). Access to the site would remain as existing, via the two pedestrian and vehicular entrance points on St Johns Road. In addition, the applicant advises that adequate parking is provided within the school site, all of which would be made available for any out of hours community use.
12. The Skinners School currently offers its facilities for hire to the 'Tunbridge Wells Community'. The existing spaces that are currently regularly let (mainly during school term times) include the main school hall, the dining hall, gymnasium, Byng Hall and a number of teaching classrooms. The existing facilities are let, in most instances, to small external groups, clubs and organisations associated with sports, dance and keep fit related activities. Lettings currently take place at the end of the school day, between 4pm and 10pm, and all parking is accommodated on site. On Saturdays the Italia Conti Dance Academy franchise currently takes over the whole site for the day, starting at 9am and finishing at approximately 6pm. Should planning permission be granted for the proposed sports hall, the applicant does not expect, or wish for, excessive growth to the current lettings activity. It is envisaged that those classes currently using the gymnasium would migrate to the new sports hall. However, the applicant states that there may be some scope for additional lettings to be accepted in the new dance suite, although these numbers would be low. The hours of use proposed are 8.00am to 22.00pm Monday to Friday, 9.00am to 18.00pm on Saturdays and 10.00am to 18.00pm on Sundays and Bank Holidays.

This application was accompanied by the submission of a Design & Access Statement, Contamination Assessment, Drainage Assessment, BB93 Noise Assessment, Renewable Energy Assessment, Statement of Community Involvement and a School Travel Plan.

Reduced copies of the submitted drawings showing the site layout, elevations, and access are attached.

Planning Policy

13. The Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) The adopted **South East Plan 2009**:
 - Policy CC1** - The principle objective of the Plan is to achieve and maintain sustainable development in the region.
 - Policy CC4** - The design and construction of all new development, and the redevelopment and refurbishment of existing building stock, will be expected to adopt and incorporate sustainable construction standards and techniques.
 - Policy CC6** - Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.
 - Policy S3** - Requires Local Planning Authorities to work with partners to ensure the adequate provision of school facilities to ensure access is available for all sections of society to education

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

facilities with good public transport access. Mixed use approaches, including community use, are to be encouraged.

Policy S5 - Increased and sustainable participation in sport and recreation should be encouraged.

Policy NRM10 - Refers to measures to address and reduce noise pollution.

Policy W2 - Sustainable design, construction and demolition should be encouraged to minimise waste production.

(ii) **Tunbridge Wells Borough Local Plan (2006):**

Policy EN1 - Seeks all proposals to be compatible in nature and intensity with neighbouring uses and not cause significant harm to character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to respect the context of the site and not cause significant harm to residential amenities.

Policy TP4 - Seeks new development to be located where the road hierarchy has adequate capacity to cater for the traffic which would be generated by the development, and not compromise the safety and free flow of traffic or for other road users. Seeks a safely located access with adequate visibility.

Policy CS3 - Proposals for school provision will only be permitted if proposals are located within the Limits to Built Development, as defined on the Proposals Map, unless they are allocated in accordance with Policy CS2 or represent an extension to an established school development

Consultations

14. **Tunbridge Wells Borough Council:** initially objected to the proposal but following the revised submission raises no objection to the application, providing the following can be secured by requesting further amended plans of by way of planning condition:

- the provision of soft landscaping, comprising appropriate tree planting along the southern and eastern site boundaries, such that views of the building would be screened from views from public vantage points and neighbouring dwellings;
 - measures to prevent access by people, other than for emergency purposes, to the area between the southern boundary and the building;
 - imposition of appropriate conditions to control hours of construction and hours of opening of the sports facilities and to control noise emissions;
- (The Borough Council has provided a list of suggested conditions.)*

The Divisional Transport Manager: raises no objection but requests that a condition be imposed to ensure that the existing vehicle parking within the site be available at all times to outside users when the hall is in use out of school hours.

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

The County Council's Noise Consultant: comments as follows:

"The applicant has provided a noise assessment in which maximum octave band noise levels have been suggested at 1m from a roof plant enclosure on the southern roof elevation, and 1m from a set of Louvered doors located on the western façade of the proposed sports hall. The suggested maximum octave band noise levels have been established to ensure that noise levels at the closest residential properties do not exceed NR35 (Noise Rating Curve).

It is understood that the applicant has undertaken the assessment using this method having undertaken consultation with TWBC and it is appreciated that the maximum octave band noise levels presented in the assessment are likely to ensure that noise levels at the residential properties will not exceed NR35. However, I would advise that using NR curves for establishing maximum noise levels does not limit the potential for tonal elements of the source and does not consider the existing background noise environment that residents of nearby properties currently experience. As such I would recommend the use of BS4142 as an appropriate document for establishing noise level limits from plant items, and would therefore recommend the following as a condition:

"The noise rating level (derived in accordance with BS4142) from all fixed plant associated with the sports shall not exceed the measured background noise level (L_{A90}) at the closest residential receiver"

With regards the issue of noise from activities within the sports hall, I would advise that conditions regarding the requirement for closed windows and closed doors during activities in the hall are appropriate in ensuring noise from within the hall does not disturb residential amenity."

The Environment Agency: raises no objection but requests that a sustainable surface water drainage scheme for the site be agreed.

Sport England: does not object to the principle of the development, but offers guidance and advice to the applicant with regards to the design and layout of sports facilities. It is requested that a condition of consent should be imposed to ensure the design and layout of the development is fit for purpose and of an appropriate standard and quality of design.

Local Member

15. The local County Member, Mr Roy Bullock, was notified of the original application on the 2 April 2009 and the revised proposal on the 18 June 2009. Mr Bullock requested that a Members Site Visit be undertaken, and sought assurances that pupils would not be able to access the area of land between the building and the site boundary. It was suggested that locked gates be provided at either end of the building. Mr Bullock attended and spoke at the Members Site Visit. Notes of the meeting are attached to this report in appendix 1.

Publicity

16. The original application was publicised by advertisement in a local newspaper, the posting of a 4 site notice(s) and the individual notification of 88 nearby properties. The

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

revised proposal was advertised by the individual notification of 22 nearby properties, all of which submitted representations regarding the original application.

Representations

17. As of Friday 28 August 2009, I have received letters of representation from 23 local properties regarding the original proposal, and 19 local properties with regards to the revised proposal. A summary of any letters of representation received after this date will be reported verbally to Members.

A summary of the main planning issues raised/points made to date are set out below:

- Local residents have not been adequately consulted or invited to pre-application events held at the school, and the plans/amended plans have been difficult to view;
- The amendments made to the application make little/no difference to local opinion and are considered to be a token effort by the applicant to tick the 'respond to residents' box;
- The building would be too high and large, and located too close to neighbouring residential properties. The visual impact would be detrimental to the locality and the building is out of scale with surrounding development and would be overbearing in nature;
- The building is far too big for this small over congested site. The footprint of the building is the equivalent to 10 terraced houses and gardens;
- The design of the building is not in keeping with the Victorian and Edwardian architecture in the locality and would be an eyesore;
- Planting/landscaping and a sedum roof would aid in mitigating the impact of the building;
- The building is of an industrial appearance;
- The building would block out sunlight to neighbouring properties and create excessive overshadowing;
- The development would affect the privacy and security of neighbouring properties;
- The efforts to secure and landscape the area between the sports hall and the boundary are noted. This area should be maintained and not left to become overgrown scrub;
- The development would blight views from local properties and have a detrimental impact on the street scene;
- Property prices would be adversely affected;
- External lighting would cause a nuisance to neighbouring properties;
- The sports hall would create significant noise pollution throughout the school day, from both its use and its ventilation plant. Windows and doors would also be opened in hot weather;
- It is understood the sports hall would be used until late in the evening after school hours, at weekends and during school holidays. That would cause increased noise disturbance and nuisance to neighbours;
- Opening hours should be restricted and use should only be for sports activities and not social functions, meetings, parties, etc;
- Bats roost in the adjacent pavilion, and their flight path would be adversely affected;
- Additional traffic would cause further congestion, pollution and parking problems;
- The school site is already overdeveloped and further development here would lead to the loss of more open space, used by the students at break times;
- Can fire/emergency vehicles access the proposed sports hall?;
- Adequate consideration has not been given to developing the existing gym, or alternative locations within the site. It is also suggested that the sports hall be located at Chestnut Avenue, Southfields, where the School have their sports pitches;
- It is suggested that the reasons given as to why the Southfields site cannot be used are flawed and inaccurate;

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

- The need for the sports hall is questioned, especially given that other sporting facilities are located in close proximity to the school;
- Concerns are expressed over noise, dust, structural damage to properties, traffic and mud on the road associated with construction works.

In addition, I have received a petition against the proposed development signed by 55 local residents.

A Borough Councillor for St. Johns, Cllr. Tracy Moore, has relayed the concerns of some residents in her ward, which fall under the following headings:

- Commercial use of the new Sports Hall;
- Security;
- Roof material;
- Consultation with neighbours.

A second Borough Councillor for St. Johns, Cllr. Lesley Herriot, objects to the proposed development for the following reasons:

- the plans may have been amended but there are only small differences that will still impinge on the lives and homes of those nearby;
- the hall is too large and intrusive, and is not in keeping with local architecture. Using the same colour bricks will not enable the sports hall to 'fit in';
- noise will impact on local residents;
- the building would dominate the skyline and cut out light to neighbouring homes;
- the grass roof appears to be a token gesture;
- the Southborough playing fields site would be more suitable;
- construction traffic could pose great problems;
- many residents have seen views from their gardens and their sunlight disappear over the years due to developments at the school;
- there has been no proper consultation and many residents are unaware of the amendments.

A third Borough Councillor for St. Johns, Cllr. Chris Woodward, expresses the following concerns over the proposed development:

- the development is too large for the site, and has the School provided good evidence that pupil need alone justifies the need for the enlarged facility;
- it is imperative that the impact on neighbours amenity is the absolute minimum. Proper attention may not have been given to this in the application as submitted;
- the amendments to the scheme are appreciated, although concerns remain regarding the positioning and impact of plant/ventilation systems, noise implications of the development and anti-social behaviour/activities;
- it is requested that the use of the sports hall cease at 9.30pm, and the site be vacated by 10.00pm;
- trees and landscaping should be planted to the south and east of the building, and a management plan for this should be provided;
- there should be explicit measures and a management plan to ensure the street scene for residents of Stephens Road is pleasing.

Discussion

18. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (13) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include siting, design and massing, impact upon residential and local amenity, community use and highway implications.

Siting, massing and designSiting

19. Development Plan policy requires new developments to be of a high quality and well designed. Applications will be considered in accordance with a number of design principles including the appropriateness of scale and massing, use of good quality materials, the design respecting the character and appearance of existing buildings, and safeguarding the amenity of neighbouring properties. This application proposes the construction of a two storey sports hall on the south eastern side of the school site, on an area of grass bank which raises in level from the existing edge of the outdoor sports/tennis courts to the site's boundary with properties in Richardson Road. As a result of the development, a tennis court would be lost, hence the applicants proposal to extend the existing courts to the north and east, towards Somerset Road. The siting, massing and design of the proposed sports hall has met with objection from local residents and will therefore be discussed in detail below.
20. The proposed siting of the sports hall has been amended throughout the consideration of this application in an effort to alleviate the concerns of neighbouring residents and the initial Borough Council objection. The building was moved approximately 5 metres further north, away from the southern boundary of the site, and minor changes were made to the design of the sports hall. The implication of the siting of the development with regards to residential amenity will be discussed later in this report. However, the principle of siting the sports hall in the location proposed first needs to be considered and discussed. Local residents have requested that the proposed sports hall be located at the school remote playing fields at Southfields, or that if the sports hall needs to be located within the main school site, that alternative sites are considered, including redevelopment of the existing gym.
21. The applicant has made a case of need for the new sports hall, as outlined in paragraph 6 of this report, which I consider to be acceptable. The existing gym is unsatisfactory and due to its small size, restricts the ability of the School to provide facilities for physical education in inclement weather. Having accepted that a new sports hall is required, the siting of the building needs to be considered. First, many local residents have suggested that the new facilities should be provided at the School's remote playing fields in Southfields, accessed formally via Chestnut Avenue. However, the applicant considers that locating the new sports hall at the Southfields site would be operationally impractical. PE takes place in one hour lessons, timetabled during the school day alongside other lessons. For this reason, it makes practical sense to provide PE facilities on the School's main site as this would minimise disruption which precede and follow PE classes. In addition, if built at Southfields, the sports hall would be a mile from the main site. This would necessitate PE staff having to walk pupils a mile to Southfields, along St Johns Road. The class would then have to get changed, take their lesson, shower and change and walk back in time for the next lesson. All of this is impractical within the time frames given for each lesson. I do appreciate that the School already have to undertake such a walk for outdoor sports, and that a side entrance to Southfields may be used by the school, reducing the travelling time between sites. However, this situation is far from ideal and should not be exacerbated by the provision

New sports hall and extended tennis courts at The Skinners School, Tunbridge Wells – TW/09/1033

of indoor sports facilities at the Southfields site. I therefore conclude that the new sports hall would be best located on the main school site if possible.

22. Having concluded that the sports hall should be located on the main school site, the first option to consider is refurbishment of the existing gym, or the provision of a replacement facility in the same area of the site as the existing. The existing facility is way below the current standards for sporting facilities, and would need to be extended to conform to modern day sporting standards. Extending the existing facility, or a complete demolition and re-build on the same area of the site is, however, not possible due to the constraints of the site and the close proximity of existing school buildings. I am satisfied that the applicant has considered the possibility of refurbishing/demolishing the existing gym and redeveloping the site, and that this is not possible due to space constraints and the proximity of existing buildings. Therefore, is it appropriate to consider alternative locations within the school site.
23. A previous planning application proposed to locate a new sports hall on the eastern boundary of the school site. This met with objection and, following a Members Site Visit in November 2007, was withdrawn. This site was not considered suitable as the sports hall would have had an overbearing impact on neighbouring properties, which are at a much lower level than the sports hall would have been, and the building would have directly blocked sunlight to these properties. That site is, therefore, in my opinion, not appropriate for such a development. The applicant has considered various alternatives within the school grounds, including sites between existing school building, and various locations across the green space and tennis courts which occupy the eastern half of the site. However, analysis of the various locations considered has shown that they are not suitable or practical for a number of reasons including operational difficulties, proximity to existing school buildings, the need to provide hard play/sports facilities, tree removal, direct blocking of sunlight and the blocking of access for emergency services.
24. I am satisfied that the applicant has explored and analysed all reasonable alternative locations within the main school site, and that the proposed site, adjacent to the southern boundary, is the only site suitable in principle. The proposed site would not necessitate tree removal, would not result in a detriment to hard play/sports facilities, would work operationally and practically for the school, and would not impede access to the emergency services. However, the implications of the siting with regards to neighbouring amenity needs to be considered and this will be discussed later in this report. However, having accepted the siting of the sports hall in principle, the massing and design of the building needs to be addressed.

Massing

25. The two storey sports hall would accommodate a four court sports hall, fitness suite, classroom, dance studio, changing facilities, equipment stores, a reception area and office space. The building would measure approximately 40 metres in length and 28 metres in width and the accommodation would be spread over two floors. Sports halls are large buildings as they are designed to accommodate the necessary sporting facilities to the required guidelines and standards. However, the applicant has considered the massing of the building, and has tried to lower the height of the building and reduce its impact in a number of ways. First, the upper floor accommodation would not be as high as the main sports hall element of the building, and would be located under a flat sedum planted roof extending towards the southern boundary of the site. In addition, the building would be lowered into the ground by 0.9 of a metre and, due to the existing banking towards the southern boundary, the lower floor would effectively be underground. The ancillary accommodation to the south of the building would,

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therefore, appear single storey when viewed from the properties in Richardson Road, extending a maximum of 3.5 metres from ground level. In addition, the floor to ceiling height has been kept to a minimum to reduce the overall height of the building. The tallest element of the sports hall has been located to the northern side of the building, away from the sites boundary, in an effort to reduce its impact upon neighbouring properties. The curved zinc roof would be 8.5metres high at the highest point.

26. The impact of the massing of the building on the amenity of adjoining residents will be considered later in this report. However, I consider that the applicant has made all reasonable efforts to reduce the massing of the building and to keep the height as low as possible. Subject to mitigation, such as planting (to be discussed later in the report), and good design, I do not consider that the massing of the building would have an unacceptable impact on the street scene or would be significantly out of character with the surrounding area.

Design

27. The existing building stock on the Skinners School site is of various ages and qualities of design, but its generally red brick, with a variety of pitched and flat roofs. Surrounding residential properties are also mainly traditional red brick 2 storey terraced properties. The elevations of the proposed sports hall would be predominately formed from a combination of brickwork, zinc cladding, curtain walling and Kalwall glazing. The proposed brick would be a red stock to match the existing buildings, and buttresses have been included to the northern and eastern elevations to echo those on the existing school buildings. In order to minimise the pitch of the roof a zinc roof is proposed, in addition to the sedum roof which would be used on the flat roof sections of the building. Zinc is a quality material that would patinate over time, and has been selected by the applicant to ensure a minimum pitch whilst avoiding industrial looking aluminium or low quality single ply alternatives. In addition, the zinc roof would echo the lead work details on the existing school buildings. The applicant has given consideration to this use of slate and more traditional roof finishes, but use of such materials would necessitate an increase in roof pitch, resulting in a substantial increase in roof height. Curtain walling and aluminium windows are proposed, which would ensure that the sports hall has a long life, whilst maximising daylight within the facility. Natural light to the sports hall itself would also be provided via kalwall glazing to the north elevation, which diffuses light.
28. The design of the building has been developed to minimise height and massing, whilst sitting sympathetically within the surrounding buildings. Due to the high quality materials proposed, and the design features incorporated into the elevations of the building, I do not consider that the sports hall would be industrial in nature. On the contrary, I consider that the applicant has made all reasonable efforts to reduce the impact of the building on the street scene, and has selected materials which would be sympathetic to the local area, reducing the visual appearance of the building. Therefore, subject to the imposition of a condition requiring details of all materials to be used externally, including colour finishes, to be submitted for the prior written approval of the County Planning Authority, I do not consider that the design of the sports hall would have a significantly detrimental impact on the street scene or the character of the local area.

Amenity

29. Although the siting and massing of the sports hall is considered to be acceptable in principle, the impact of the development upon the amenity of neighbouring residents needs to be discussed and assessed. The siting and massing needs to be considered in relation to proximity to neighbouring properties, overlooking, loss of privacy, loss of

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light, and whether or not the building would be overbearing in nature. In addition, community use, hours of use, noise and light pollution and security issues also need to be discussed. These matters have also been raised as concerns by neighbouring residents.

Siting and massing

30. Local residents have expressed much concern and objection over the scheme as proposed and consider that the sports hall would be too close to neighbouring properties, would result overlooking and a loss of privacy, a loss of light/overshadowing, and would be overbearing in nature. As previously discussed, the applicant has amended the application since first submitted in a response to concerns expressed by local residents. Most significantly, the height of the building was reduced by 1 metre and the building was moved 5 metres further north, away from the southern boundary. This has increased the distance between the proposed sports hall and the boundary from 4.2m to 9.2m at the western end of the building and from 2.5m to 7.5m at the eastern end. The increased gap between the building and the site boundary has enabled the applicant to introduce a landscaping/tree planting strip to the south of the building which would aid in screening the development, and would include defensible planting for security purposes (to be discussed later in this report).
31. As also previously discussed, the ancillary accommodation to the south of the main 'sports hall' element of the building, would be lowered into the ground and, due to the existing banking on site, the lower floor would effectively be underground, with the upper floor extending to a maximum of 3.5m from ground level. This element of the scheme, which would be the part of the building closest to the southern boundary would, therefore, appear to be single storey and would actually be at approximately the same level as the top of that the existing boundary wall. In addition, this section of the building would have a flat sedum roof, which would reduce its impact and soften the appearance of the building. Views from neighbouring properties would essentially be over the roof of this section of the building. The southern elevation of the building would have windows facing the site boundary, but these would not be openable and, due to the levels of the site and the building, would look out onto the planted area and the boundary wall. Views would not be afforded into neighbouring gardens, and only the side elevations of the closest properties could be seen. The higher section of the building would not have any glazing in the southern elevation. Therefore, I do not consider that overlooking and loss of privacy should occur as a result of this development. The applicant has, in my view, taken all reasonable steps to ensure that the privacy of neighbouring residents would not be adversely affected and that the development would not overlook gardens or afford views into residential properties.
32. The tallest element of the sports hall has been sited to the northern side of the building in an effort to reduce its impact on neighbouring properties. The curved zinc roof would extend to a maximum height of 8.5 metres, which due to the levels changes on site, would sit approximately 1.5m lower than the adjacent Cecil Beeby teaching block. The 'step up' in height from the flat sedum roof to the eaves of the zinc roof of the main sports hall would be approximately 17m from the boundary at the western end of the building, and 15m at the eastern end. Climbing plants would extend from the sedum flat roof to the eaves of the zinc roof, again softening the impact of the building. However, the distances between the site boundary, which is essentially the side elevation of closest residential properties, and the tallest element of the building are considered to be acceptable and conform to the wall to window distance guidelines given within the Kent Design Guide. By moving the building 5 metres to the north, the applicant has made all reasonable efforts to mitigate the impact on neighbouring residents, whilst

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continuing to occupy this site within the school grounds, which as discussed above, is considered to be acceptable in principle. Due to the design of the building, which is stepped in height and uses the level changes on site to lower the building and reduce its height and massing, I consider that the distance between the development and local properties is acceptable and, due to the positioning of windows and careful design, would not overlook neighbouring properties. I therefore see no reason to object to the proposal on the grounds of proximity to neighbouring properties, or issues of loss of privacy and/or overlooking.

33. As discussed above, the height and massing of the building is considered to be acceptable in principle, but loss of light and whether or not the building is overbearing needs to be addressed. Local residents have expressed concern that the development would block out sunlight and would be overbearing in nature. The applicant has submitted daylight studies which demonstrate that there is no overshadowing of neighbouring properties as a result of this development. All shadows that would be cast by the sports hall would lie within the school grounds, at all times of year and at all times of day. I am therefore satisfied that the development would not overshadow neighbouring properties. In addition, due to the height of the building, its distance from the boundary, the level changes on site and the stepped increase in height, I do not consider that the building would result in a significant loss of natural day light. I do not, therefore, consider that the building would be overbearing in nature such as to warrant a refusal. The siting and massing of the building would, in my view, be acceptable and would not have a significantly detrimental impact upon residential amenity.

Community use, hours of use and noise implications

34. As outlined in paragraph 12 of this report, The Skinners School currently offers its facilities for hire to the 'Tunbridge Wells Community'. The applicant has stated that should permission be granted for the proposed sports hall, the school does not expect, or wish for, excessive growth to the current lettings activity. It is envisaged that those classes currently using the existing gymnasium would migrate to the new sports hall. However, the applicant does confirm that there may be some additional lettings to be accepted in the new dance suite, although these numbers would be low. The hours of use proposed by the applicant are 8.00am to 10.00pm Monday to Friday, 9.00am to 6.00pm on Saturdays and 10.00am to 6.00pm on Sundays.
35. Local residents have expressed concern over the use of the facility out of school hours by the wider community, and the noise and highway implications of this proposed extended use. In addition, a Borough Councillor has suggested that the use of the sports hall cease at 9.30pm, in order that the site can be vacated by 10.00pm. However, the applicant has submitted an acoustic report with this application which demonstrates that noise from within the building would not impact upon the amenity of neighbours, a view supported by the County Councils Noise Advisor. To further ensure this, all windows to the southern elevation would not open, and there are no windows in the sports hall itself, and doors would remain closed during use. I consider that conditions of consent should be imposed to ensure that this is the case. Subject to these conditions, I do not consider that use of the building would unreasonably result in noise generation that would impact upon the amenity of local residents. In light of this, I also consider the hours of use proposed by the applicant to be acceptable, and see no overriding reason to require an earlier finishing time on weekday evenings. Subject to conditions ensuring that the sports hall is used for the uses proposed only, and not for social functions and private parties, I consider use until 10.00pm Monday to Friday to be acceptable. Therefore, should permission be granted the sports hall could be used

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between the hours of 8.00am to 10.00pm Monday to Friday, 9.00am to 6.00pm on Saturdays and 10.00am to 6.00pm on Sundays.

36. Concerns have also been expressed with regard to the impact that noise from plant associated with the sports hall could have on residential amenity. However, the acoustic report submitted with this application has addressed the noise produced by plant on the building, and the County Councils Noise Advisor is satisfied that, subject to a planning condition, noise levels would not have an unacceptable impact on the amenity of local residents. Therefore, should permission be granted, the following condition would be imposed. Subject to this, I see no reason to refuse the application on the grounds of noise.

“The noise rating level (derived in accordance with BS4142) from all fixed plant associated with the sports shall not exceed the measured background noise level (L_{A90}) at the closest residential receiver”

Lighting

37. Local residents have expressed concern that lighting from the building would have a negative impact on their amenity. The applicant advises that lighting to the west elevation would be via in-ground directional uplighter fittings, which would be photocell controlled with time switch override off facilities. The south elevation, behind which lies the landscaped area and escape route from the Cecil Beeby building, would be lit via low level bollards or in-ground fittings, controlled by PIR movement detection. This lighting would only be activated in an emergency, to obviate any nuisance light spill to adjacent buildings/properties. The north elevation would be lit via high level wall mounted up and down lighting, controlled in conjunction with the west elevations lighting. Lastly, the east elevation would be lit via wall mounted or overdoor mains/emergency bulkhead fittings, again photo-cell controlled with override off facilities.
38. Although the applicant has provided these details, I consider that for the avoidance of doubt and in the interests of residential amenity, details of all external lighting of the building should be submitted pursuant to planning condition for consultation and approval with the County Council’s Lighting Advisor. Subject to the imposition of this condition, I do not consider that the development would have a significantly detrimental impact on the amenity of the locality or neighbouring properties with regards to external lighting.

Security

39. Local residents have expressed concern that the development would increase security risk and encourage anti-social behaviour. Primary concerns relate to use of the area between the building and the southern site boundary, which is also home to an emergency only exit point from the Cecil Beeby building. Due to the linear nature of the space that would be created, concern is raised that pupils would gather here as the area would be out of the visual surveillance of school staff. However, the applicant is proposing to plant this area, including the use of defensible planting. In addition, it is proposed to fence this area off, discouraging access and increasing security. The Borough Council suggests that details of measures to prevent access by people, other than for emergency purposes, to the area between the southern boundary and the building be required pursuant to condition. I also consider this to be appropriate and, therefore, should permission be granted, details of fencing to this area would be required pursuant to condition. In addition, planting details would also be required pursuant to a landscaping condition, which would also require details of a 5 year

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programme of maintenance. This would ensure that the area did not become overgrown scrub or a neglected area of the school site. Subject to these conditions, I do not consider that the proposal would have an impact on the security of neighbouring properties, or encourage anti-social behaviour.

Landscaping & Ecology

40. The applicant is proposing to provide soft landscaping and tree planting along the southern and eastern boundaries of the site to screen views from public and neighbour vantage points. The applicant has stated that they would like to develop these proposals with a landscape officer and local residents, as agreed at the Members Site Visit in July (notes attached). Details of such planting are therefore unavailable at this time. The applicant is also proposing to landscape and plant the area between the sports hall and the boundary of the site, including the use of defensible planting. In addition, climbing plants are proposed to the eastern elevation of the building, and to the high level southern elevation to mitigate the 'step up' in height from the flat sedum roof to the eaves of the curved zinc roof. The Borough Council has requested that details of landscaping be provided, which should comprise details of tree planting to the southern and eastern site boundaries to screen views of the development. I consider that a condition should be imposed which requires details of all soft and hard landscaping to be submitted for approval, including details of planting to the southern and eastern site boundaries, planting between the sports hall and the southern site boundary and planting to the eastern and southern elevations of the building itself, and a 5 year maintenance plan. This would ensure that the required planting was provided and maintained, mitigating the impact of the development on the amenity of neighbouring residents and the wider street scene.
41. Local residents have also suggested that bats roost in the adjacent pavilion building, and that the proposed development would adversely affect their flight path. In response to these concerns the applicant has submitted a bat roost survey report, which concludes that the proposed development would not destroy, or significantly affect, any local bat roost. Linear features would remain available to the adjacent southern and eastern site boundaries, and foraging is likely to be enhanced by the development proposals. In light of this information, I am satisfied that the proposed development would not have a detrimental impact upon bats, including their roosts and flight paths.

Access and parking

42. Traffic generation and impact upon the local highway network are further concerns expressed by local residents. Use of the sports hall during the school day would be for existing pupils only and would, therefore, not impact upon the local highway network. However, community use of the facility in the evenings and at weekends has the potential to attract additional vehicles to the area and, therefore, could have a detrimental impact upon the local highway network. However, the applicant advises that out of school hours all car parking spaces within the school grounds would be made available for use, and would be accessed via the two entrance points to the site on St Johns Road. There would be no access, vehicular or otherwise, to the sports hall other than via the existing entrance points on St Johns Road. In addition, it is not intended to significantly increase the existing level of community use of the site and, therefore, any increase in vehicular movements would be minimal. The Divisional Transport manager is satisfied that the car parking on site has the capacity to accommodate the number of visitors expected out of school hours, and the development is therefore in accordance with the principles of Development Plan Policies with regards to access and car parking. Subject to the imposition of a condition to ensure that all existing car parking on site is

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available at all times when the hall is in use outside of school hours, I do not consider that the proposed development would have an unacceptable impact upon the local highway network.

Extension to tennis courts

43. Due to the location of the sports hall, one of the tennis courts on the school site would be lost to the development. The proposals therefore include an extension to the existing tennis court area to replace this tennis court and to increase the separation between the courts to meet Lawn Tennis Association standards. It is proposed to extend the courts to the north and east, necessitating the construction of a retaining wall in the north east of the court area due to level changes on site. It is proposed to enclose the tennis courts with 3m high weld mesh fencing, and provide low level kick boards for sports use. I consider that details of the fencing type and colour finish should be submitted for approval pursuant to planning condition, and that the kick boards should be covered in a noise absorbing material in order to mitigate adverse noise impacts. Subject to conditions covering these matters, I do not consider that the extension of the tennis courts would have a detrimental impact on the amenity of the locality and/or local residents.

Drainage and Land Contamination

44. The Environment Agency raise no objection to this application but request that a sustainable urban drainage system for the site be agreed. Therefore, I consider that subject to the imposition of a condition requiring the submission of details of a sustainable urban drainage system prior to the commencement of the development, the development could be controlled to ensure that it would not result in unacceptable pollution levels. In addition, should permission be granted a condition would be imposed to ensure that if during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the County Planning Authority, details of how this unsuspected contamination shall be dealt with. Again, this would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy.

Construction

45. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction and works on site in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. In addition, should permission be granted details of a 'construction code of practice' would be required pursuant condition, which should include details of measures to ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents. Details of construction access and contractors car parking should also be included within the code of practice.

Conclusion

46. In summary, I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on residential

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or local amenity, the street scene and character of the area, or the local highway network. In my view, the development would not give rise to any significant material harm and is in accordance with the general thrust of relevant Development Plan Policies. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

47. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the submission of details of all materials to be used externally;
- details of all external lighting;
- a scheme of landscaping, its implementation and maintenance, to include planting to the southern and eastern site boundaries, the area between the sports hall and the southern site boundary and the southern and eastern elevations of the building;
- details of fencing, gates and means of enclosure, including colour finishes, including fencing of the tennis courts and the area to the rear of the sports hall;
- kick boards surrounding the tennis courts to be covered in a noise absorbing material;
- windows on the southern elevation not to be opened and doors to remain closed when building is in use;
- the noise rating level from all fixed plant associated not to exceed the measured background noise level (L_{A90}) at the closest residential receiver;
- contaminated land;
- details of sustainable urban drainage system;
- restriction on hours of use, including school and community use;
- restrictions on type of use, including school and community use;
- hours of working during construction;
- details of a ‘construction code of practice’;

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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APPENDIX 1

NOTES of a Planning Applications Committee site visit to The Skinners' School, Tunbridge Wells on Wednesday, 22 July 2009.

MEMBERS PRESENT: Mr R E King (Chairman), Mr R Brookbank, Mr C Hibberd, Mr G A Horne, Mr R J Lees, Mr J F London, Mr R J Parry, Mr R A Pascoe, Mr C Smith and Mr K Smith. Mr J R Bullock (Local Member) was also present.

OFFICERS: Mrs S Thompson and Mr J Crossley (Planning); and Mr A Tait (Legal and Democratic Services).

TUNBRIDGE WELLS BOROUGH COUNCIL: Cllrs C J Woodward and Mrs L E Herriott with Mrs L Middlemiss (Planning).

THE APPLICANTS: The Skinners' School (Mr S Everson, Head Teacher and Mr P Johnston, Bursar); Michael Cook Associates (Mr S Eatock).

ALSO PRESENT were some 15 members of the public.

(1) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties.

(2) Mr Crossley introduced the application by explaining that it was for the construction of a sports hall containing 4 game courts and ancillary accommodation. It would be 2 storeys high, with the sports hall itself on the first storey.

(3) Mr Crossley then explained the background to the application. He said that the School's deficiencies in indoor sports provision had been criticised by OfSTED. Currently, it consisted of an old gymnasium which could not readily be converted into a new sports facility. For this reason, the School wanted to apply for a new facility and convert the gym into a library.

(4) In 2007, an application had been submitted to construct a sports hall on the eastern boundary beyond the tennis courts. This application had attracted objections, particularly on the grounds of the impact it would have due to its close proximity to neighbouring residents. The School had therefore withdrawn this application in order to develop a new proposal.

(5) Mr Crossley went on to explain the new application. The hall would now be located away from the eastern boundary towards the southern side of the site. It would be cut into the southern bank, and be built on the location of some of the existing tennis courts. The tennis courts themselves would be moved to the north. The cricket pavilion in the south west corner would remain.

(6) Mr Crossley then said that the new proposal had also been amended by pulling the southern edge of the sports hall a further 5m away from the boundary. It was intended to fence off the gap between the sports hall and the neighbouring properties and to introduce a planting scheme.

(7) The ground floor of the sports hall would be 0.9 m below the existing ground level. This would result in the Hall only rising about 3 metres above the level of the bank despite being 8 metres in height.

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(8) Mr Crossley then described some of the design details and modifications. The building would be red brick with a lightweight, zinc main roof and a flat sedum (“ice plant”) roof. This living roof would vary in colour from red to brown to green during the year.

(9) Mr Crossley explained that the proposal had attracted opposition which had prompted the amendments. Further consultation had taken place on the amendment and further views were awaited.

(10) Mr Crossley said that Tunbridge Wells BC had objected to the unamended proposal on the grounds of noise, residential amenity impacts and the effect of the cluttered development on the street scene. Twenty two local residents had also objected and a petition had been received containing 55 signatures, objecting on grounds of traffic, access and design. These objections also related to the original proposal.

(11) Mr Crossley concluded his presentation by saying that it was intended for there to be community use of the facility. The hours of use might need conditioning if permission were granted. The applicants had asked for the hours of use to be 0800 to 2200 Monday to Friday, 0900 to 1800 on Saturdays and 1000 to 1800 on Sundays and Public Holidays.

(12) Mr Eatock (Michael Cook Associates) said that the applicants had considered a number of locations on the site with the intention of producing the least impact on neighbouring properties. The option of building in the north of the site had been rejected because of the overshadowing impact on the neighbouring properties along Somerset Road that would arise and (crucially) because it would block access to the site for emergency services in the event of a fire.

(13) Mr Eatock continued that the proposed location of the hall had been moved as far away as possible from the neighbouring properties along Newcomen Road. The building had been designed so that it would come up to the height of the boundary wall. There would consequently be no overshadowing impact. The building itself would also reduce noise impacts from the play areas. The lights would be low and would not cause light spillage. Windows had been designed to minimise amenity impact.

(14) Mr Eatock confirmed that there was no intention to increase traffic or pupil numbers as a result of the proposal.

(15) Mr Everson (Head Teacher) said that this proposal represented the School’s final chance to have a sports hall on site. He asked everyone to consider the very small number of schools which were also in the position of not having one.

(16) Mrs Middlemiss (TWBC Planning) said that her authority was still considering the amended plans. Its objections to the original proposal had mainly been on the grounds of the visual impact of the building, particularly on the neighbouring properties to the south and on the street scene of St Steven’s Road (which approached the site head on from the east.)

(17) Mrs Middlemiss then said that the revised proposal represented a significant improvement in that it moved the building away from the southern properties, set it lower in the ground and introduced planting. The end elevation was now more elegantly designed and would therefore improve the view from St Steven’s Road. She welcomed Mr Eatock’s assurance that it was intended to provide planting along the site boundary.

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(18) Members then moved up the bank to the south in order to note the proposed boundary of the sports hall, and to gain a better visual understanding of the impact on and proximity to the neighbouring properties.

(19) Cllr Woodward (TWBC) noted the size of the proposed building and asked whether there were any commercial objectives in bringing forward the proposal. Mr Everson replied that the aim of the proposal was not to bring in additional revenue. Mr Eatock added that the building was designed to the standard size of school sports halls in Kent. The actual sports area itself would be the size of 4 badminton courts. The storage space would be below the sports area whilst the second storey would contain the fitness, sports science and multi-use rooms.

(20) Local residents raised a number of issues, which are summarised below:-

(a) Youngsters already threw litter over the garden fence and also climbed over the boundary wall to retrieve footballs. The provision of a sports hall, together with associated planting and fencing would encourage this behaviour.

(b) The School should make use of the Sports Hall facilities at St John's Primary School instead of building one on site. Mr Everson replied that it would not be feasible for the Skinners School to ask another School not to use its own facilities for a blocked off period.

(c) The Skinners School was having great difficulty in making any proposal for a sports hall acceptable. This strongly suggested that it was metaphorically attempting to fit a pint into a half pint pot.

(d) The School could make use of the sports facilities at Chestnut Avenue in Southfield (about 1 mile to the north). Mr Everson replied that PE lessons lasted for 1 hour. The pupils would have to walk to Southfield, change twice and shower before walking back to Skinners for their next lesson. It was not simply a matter of scheduling the PE lessons to immediately precede the Games sessions (also at Chestnut Avenue). This was because the PE Teachers also took the Games periods.

(e) A resident from St Stephen's Road asked how high the planting would be. Mr Eatock replied that this could be discussed with the neighbours as they would have their own views about the preferred outcome of the planting scheme.

(f) Several people asked questions about the exact height of the building in relation to the neighbouring properties. Mr Eatock said that the building would drop in height by about a metre from east to west. The highest point on the western side would be the top of the boundary wall. On the eastern side, it would come up to half way up the windows in the pavilion.

(g) A resident asked how the applicants had come to the conclusion that they could not move the building any more than 5 metres further away from the site. Mr Eatock said that the main reason for this was that the School was required by Sport England to replace the tennis courts. Mr Everson added that the courts in Southfields could not be used for the same reason that he had given for PE lessons.

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(h) Mr Eatock answered a question by saying that the access to the site for construction vehicles would be via the northern gate along Somerset Road. The construction period itself would be some 9 months.

(21) Mr Eatock replied to a question about noise from the building by saying that the targets would need to be met by acoustic insulation. Although he did not have figures for ambient noise levels to hand, the design of the building would ensure that there was no increase in background noise. Acoustic testing would take place once the building had been constructed. The flue outlet on top of the roof would be pulling in fresh air and blowing out exhaust. There would be no generators and the windows would not be capable of being opened.

(22) Mr Bullock (Local Member) said that the current positioning of the proposed sports hall was much better than before. There was a dire need for a better gym on site. It was incredibly difficult to find a suitable alternative site away from the School. Tunbridge Wells BC had been involved in a search for the new academy, but even this had proved extremely difficult.

(23) Mr Bullock went on to say that he was pleased that the building was well away from the wall. He emphasised the importance of ensuring that the area between the wall and the sports hall was “sanitised” as it was very undesirable for youngsters to be able to make their way on to the flat roof.

(24) Mr Bullock then said that it was important to minimise the effect of the site on the neighbouring environment. The sports hall should be available for use by the community without this use imposing on the neighbouring properties. He would support the proposal providing that his concerns were met.

(25) In response to a question from Mr Lees, Mr Eatock said that the results of a recent bat survey were still awaited.

(26) Mr Eatock then replied to a question from Mr Parry by saying that he did not anticipate any change to the land profile as a result of the development. He was also confident that no ground piling would arise as a result of cutting into the ground.

(27) Mr Bullock said that the hours of use for the sports hall should be consistent with those approved for the other schools in the Tunbridge Wells area.

(28) Mr Crossley said that when deciding what hours of use to recommend, the Planners had to take account of factors such as lighting, noise, traffic, the sport activity being accommodated and proximity to residential properties. This meant that the methodology was consistent, even though it might not appear so to local residents.

(29) Members then inspected the existing gym.

(30) The Chairman thanked everyone for attending. The notes of the meeting would be appended to the report to the determining Committee meeting.

E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

CA/09/861	Construction of a Motor Control Centre Kiosk. Canterbury Wastewater Treatment Works, Sturry Road, Canterbury
DA/09/681	Construction of a Blower House building, a Sludge Storage building and an Electricity Intake Substation building. Long Reach Sewage Treatment Works, Marsh Street, Dartford
DA/09/697	Extension of percolate lagoon both horizontally and vertically, including deposit of excavated material and deepening of associated pump chamber and pipe connection, as well as extension to fence enclosure. Lafarge Cement UK, Former Cement Works, Broadness Marsh, Swanscombe
DO/03/477/R2&R8	Amendments to planning application DO/03/477 to increase height of wall enclosing car parking to south of site from 2.4M to 4.0M. Thanet Waste Services, Ramsgate Road, Richborough
MA/07/1649/R3A & R4A	Details pursuant to conditions 3 (Drainage) and 4 (Landscape) of planning permission MA/07/1649 for an inert waste recycling facility. Hanson Aggregates, 20/20 Industrial Estate, Allington, Maidstone
MA/08/45/R6 & R7	Details of a design document for the construction of the slope and proposed fuel storage pursuant to conditions (6) and (7) of planning permission MA/08/45 for site remediation works. Lenham Quarry, Lenham Forstal Road, Lenham
SE/00/2739/R23	Details of stock pile locations for integrated waste management facility pursuant to condition 23 of planning permission SE/00/2739. Greatness Quarry, Farm Road, Sevenoaks
SW/09/575	Variation of approved landscaping scheme to omit hedgerow planting around the field known as Vigo Farm to allow it to be managed for arable production with adjoining field. Land at Claxfield Farm, London Road, Teynham, Sittingbourne
TM/97/1064/R6	Replacement gas flare. Margetts Pit, Margetts Lane, Burham, Rochester
TW/09/523/R2&R3	Details of fencing and landscaping of planning permission TW/09/523. Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook

E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

None

E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- | | |
|------------------------|--|
| AS/07/1793/R3, R4 & R6 | Details pursuant to condition (3) external materials, (4) drainage and (6) building recording of planning permission AS/07/1793 for the redevelopment of former air raid shelter. St. Mary's C Of E Primary School, School Hill, Chilham, Canterbury |
| AS/09/709 | Enlargement of ball games enclosure including tarmac surface and perimeter fence. The Wyvern School, Great Chart Bypass, Ashford |
| AS/09/749 | Free standing bicycle and parent shelter. Brabourne C of E Primary School, School Lane, East Brabourne, Ashford |
| AS/09/760 | Installation of a mobile classroom unit. Homewood School & Sixth Form Centre, Ashford Road, Tenterden |
| AS/09/805 | Construction of a single storey extension to enlarge the existing head teacher's office and staff room, comprising a new kitchen and staff work station area. St Simon of England RC Primary School, Noakes Meadow, Ashford |

CA/06/1395/R5	Details of archaeological work pursuant to condition (5) of planning permission CA/06/1395. Garage block off Brymore Road, Canterbury
CA/09/976	Provision of a single storey modular building with associated groundwork and service connections. Herne Bay Junior School, Kings Road, Herne Bay
DA/09/193/R16, R22 & R30	Details of a scheme to deal with the risks associated with contamination (16), details of temporary protective fencing to be erected around the existing playing field (22), and details of Construction Management Strategy (30), of planning permission DA/09/193. Longfield Academy, Main Road, Longfield
DO/09/548	Provision of one 2-bay mobile classroom and one 6-bay mobile classroom. Dover Grammar School for Boys, Astor Avenue, Dover
GR/08/138/R14	Details of external lighting pursuant to condition (14) of planning permission GR/08/138 for replacement secondary school. Northfleet Technology College, Colyer Road, Northfleet, Gravesend
GR/08/154/R2A	Minor amendments to the approved scheme - addition of a substation. Thamesview School, Thong Lane, Gravesend
GR/09/510	Extension to enlarge two existing classrooms. Shears Green Infant School, Packham Road, Northfleet, Gravesend
MA/06/1933/R28	Amendment to visibility splays pursuant to condition (28) of planning permission MA/06/1933 for supported apartments. Land at Tovil Green, Maidstone
MA/08/1700/R5 & R11	Details of external lighting and details of fencing, gates and means of enclosure pursuant to conditions (5) and (11) of planning permission MA/08/1700. New Line Learning Academy, Boughton Lane, Maidstone
MA/08/1700/R17	Details of a Habitat Management and Biodiversity Enhancement Strategy pursuant to condition 17 of planning permission MA/08/1700. New Line Learning Academy, Boughton Lane, Maidstone
MA/08/2186/R5, R12 & R27	Details of external lighting, fencing, gates and means of enclosure and cycle parking provision pursuant to conditions (5), (12) and (27) of planning permission MA/08/2186. Cornwallis Academy, Hubbards Lane, Maidstone
MA/09/1003	Replacement of two existing mobile classrooms with a single storey extension consisting of 3 classrooms, office and disabled W.C. Park Way Primary School, South Park Road, Maidstone

MA/09/1172	Provision of a 3-bay mobile building. Sandling Primary School, Ashburnham Road, Penenden Heath, Maidstone
MA/09/1173	Construction of a new single storey flat roofed extension to the admin area, associated internal remodelling and new storm porch portico canopy. Allington Primary School, Hildenborough Crescent, Maidstone
MA/09/1255	Extension to car park. Senacre Wood Primary School, Graveney Road, Maidstone
SE/09/1501	Construction of a timber shed with associated concrete base and path alteration. Allsworth Court, St. Davids Road, Hextable
SH/09/122/R3, R5 & R6	Change of use from part area of playing field to car park - Details of boundary treatment, footpath and grass reinforcing system pursuant to conditions (3), (5) & (6) of planning permission SH/09/122. Stelling Minnis C Of E Primary School, Bossingham Road, Stelling Minnis, Canterbury
SH/09/622	Construction of a toilets and changing room building on school playing fields. Mundella Primary School Playing Fields, Mead Road, Folkestone
SW/04/1453/RVAR	Reserved details of all structures (including Milton Creek bridge, Sittingbourne and Kemsley light railway bridge, roundabouts, walls, railings, gates, paving, signage and lighting), long sections and cross sections, landscape planting proposals, surface water drainage, culverting, drainage lagoons, groundwater protection, contaminated land investigation, bird and wildlife protection, archaeology provisions and public rights of way arrangements. Proposed Sittingbourne Northern Relief Road, land between Ridham Avenue, Kemsley and Castle Road, Sittingbourne
SW/07/1/R10	Details of a Construction, Environmental Management Plan pursuant to condition 10 of planning permission SW/07/1. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queenborough, Isle of Sheppey
SW/07/1/R25	Location of Contractors Site Compound pursuant to condition 25 of planning permission SW/07/1. Land between A249, Neats Court Roundabout and Rushenden Road, including parts of Neats Court Marshes, Queenborough, Isle of Sheppey
SW/09/375	Three covered outdoor areas. Holywell Primary School, Forge Lane, Upchurch, Sittingbourne

SW/09/535	Single storey conservatory entrance porch. Newington C of E Primary School, School Lane, Newington, Sittingbourne
SW/09/612	Temporary planning permission for an existing mobile classroom. Bredgar C of E Primary School, Bexon Lane, Bredgar, Sittingbourne
SW/09/641	Installation of a mobile classroom unit. Fulston Manor School, Brenchley Road, Sittingbourne
TH/08/167/R6	Details of roof arrangements and emergency exit staircases pursuant to condition 6 of planning permission reference TH/08/167. Saint George's Church of England Foundation School, Westwood Road, Broadstairs
TH/09/486	Single storey flat roof extension to provide new care suite and WC facilities. Dame Janet Community Junior School, Newington Road, Ramsgate
TH/09/534	Application for a polytunnel. Hartsdown Technology College, George V Avenue, Margate
TM/07/187/RA	Amendment to the approved scheme including the addition of a canopy. St James the Great Primary and Nursery School, Chapman Way, East Malling
TM/08/3483/R3, R4 & R7	Details of external materials, DDA access and external lighting pursuant to conditions (3), (4) and (7) of planning permission TM/08/3483. Manor Park Country Park, St. Leonard's Street, West Malling
TM/09/1580	Single storey extension to form chill-out room and disabled toilet. Ridge View School, Cage Green Road, Tonbridge
TW/07/2721/R2	Minor amendments to elevations of modular building for use as a Community Children's Centre. Broadwater Down Primary School, Broadwater Lane, Tunbridge Wells
TW/09/1829	Replacement perimeter fence and gates. St Mark's CE Primary School, Ramslye Road, Tunbridge Wells
TW/09/2054	To extend existing building to house new platform and to construct a disabled ramp. Sherwood Park Primary School, Friars Way, Tunbridge Wells

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

DC29/09/CA/0001 – Proposed re-development of the existing Studd Hill HWRC, Herne Bay

SE/09/Temp/0026 – New car parking to replace that lost during construction of new residential accommodation.

Valence School, Westerham Road, Westerham

SH/09/Temp/0031 - Erection of a new multi-functional educational building, together with a new floodlit 4-court multi use games area, 159 car parking spaces, 110 cycle spaces, 7 coach drop-off spaces, 9 motorcycle spaces, parent drop-off zone, and landscaping and other ancillary works. As part of the proposal the existing leisure centre, arts and drama block, and youth centre would be retained and all remaining academy buildings would be demolished.

The March Academy, Station Road, New Romney, Kent.

DC29/09/SW/0004 – Proposed facility for the recycling of category A waste road material at land to the rear of Kent Highway Services Depot, Canterbury Road, Faversham

SW/09/Temp/0039 - Infill extension to provide new main entrance and reception/waiting area as well as internal remodelling works incorporating five conservation roof lights.

Bredgar CE Primary School, Bexon Lane, Bredgar, Sittingbourne

TM/09/Temp/0025 - Variation of condition 2 of planning permission TM/07/3920 and condition 8 of planning permission TM/03/3946 to allow for soil importation to remediate settlement of site at Offham Landfill Site, Teston Road, Offham

TM/09/1900 – Creation of a new Gypsy and Traveller site providing 18 pitches, amenity space and parking, manoeuvring areas, landscaping, installation of lighting units, new access to the public highway, resurfacing and the illumination of a path, alterations to existing switch room/pumping station, remodelling of existing Gypsy site, and erection of an acoustic barrier.

Land to the west of the Old Coldharbour Lane and south of the A20 London Road, Aylesford

TW/09/Temp/0027 - Construction of a single storey building for use as a Children's Centre at Pembury Primary School, Lower Green Road, Pembury

TW/09/Temp/0028 - Canopy with opaque polycarbonate roof supported on six steel white posts.

Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

DC29/09/AS/0002 - Winning and processing of sand (new quarry), new access and phased restoration on land west of Rayford Farm, Pluckley Road, Charing.

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None

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